

Absent—Excused

Harris

Mauritz

Adjournment

On motion of Senator Strauss, the Senate, at 12:15 o'clock p. m., adjourned until 10:30 o'clock a. m., Monday, May 12, 1947.

SIXTY-SIXTH DAY

(Monday, May 12, 1947)

The Senate met at 10:30 o'clock a. m., pursuant to adjournment, and was called to order by the President pro tempore.

The roll was called and the following Senators were present:

Aikin	Moffett
Brown	Morris
Bullock	Phillips
Carney	Proffer
Chadick	Ramsey
Cousins	Stanford
Crawford	Stewart
Hardeman	Strauss
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Weinert
Knight	Winfield
Lane	York

A quorum was announced present.

Reverend J. E. Chester, Chaplain, offered the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of Thursday, May 8, 1947, was dispensed with and the Journal approved.

Leaves of Absence Granted

Senators Taylor and Harris were granted leave of absence for this morning on account of important business on motion of Senator Aikin.

Reports of Standing Committees

Senator Aikin submitted the following report:

Austin, Texas,
May 12, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred House

Bill No. 246, have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the Committee Substitute do pass and be printed in lieu thereof.

AIKIN, Vice Chairman.

C. S. H. B. No. 246 was read first time.

Senator Chadick submitted the following reports:

Austin, Texas,
April 30, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Public Debts, Claims and Accounts, to whom was referred House Bill No. 348, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

CHADICK, Chairman.

Austin, Texas,
May 8, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Public Debts, Claims and Accounts, to whom was referred House Bill No. 742, have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass and be mimeographed.

CHADICK, Chairman.

Senator Aikin submitted the following report:

Austin, Texas,
May 8, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred House Bill No. 329, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be mimeographed.

AIKIN, Vice Chairman.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
May 12, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House

has passed the following Bills and Resolution:

H. B. No. 309, A bill to be entitled "An Act amending Article 480a, Penal Code, 1925, to make it the duty of the Game, Fish and Oyster Commission to enforce the provisions thereof; providing for remission of fines and penalties collected hereunder and deposit thereof; repealing conflicting laws and declaring an emergency."

H. B. No. 317, A bill to be entitled "An Act to appropriate money out of the State Highway Fund to pay the judgment, interest and costs in favor of Christine Mayes Wallace and husband, Morris Wallace, in the total sum of Thirteen Hundred Sixteen and 95/100 (\$1316.95) Dollars, and declaring an emergency."

H. B. No. 362, A bill to be entitled "An Act to clarify and amend the laws of Texas relating to dentistry by amending Article 4550-a of the Revised Civil Statutes of Texas, 1925, as amended by Section 3, Senate Bill No. 278, Acts 1943, Pages 576, 580, Chapter 340, 48th Legislature, Regular Session, 1943; providing for possible legal construction and declaring the legislative intent with respect to this Act; providing fees and penalties and repealing all laws in conflict herewith; and declaring an emergency."

H. B. No. 369, A bill to be entitled "An Act amending Section 1, of Chapter 177, Acts of the Regular Session of the 42nd Legislature, and amending Section 6, of Chapter 177, Acts of the Regular Session of the 42nd Legislature, as amended by Acts 1937, 45th Legislature, Chapter 490, page 1324, Section 1, and amending Section 9, of Chapter 177, Acts of the Regular Session, 42nd Legislature, and amending Section 1 of Chapter 39, Acts of the Second Called Session of the 43rd Legislature, as amended by Acts 1937, 45th Legislature, page 1324, Chapter 490, Section 2, providing for the adoption of minors, establishing legal relations between the children and parents by adoption, establishing and protecting adopted children's right to inherit from and through parents by adoption to same extent as natural children; validating adoptions, providing a severance or savings clause; and declaring an emergency."

H. B. No. 425, A bill to be entitled "An Act to amend Article 3880, Title 60, Revised Civil Statutes of Texas, 1925, by adding a new article immediately following to be known as Article 3880-A, regulating the sale and distribution of feeding stuff; providing for the detention of adulterated or misbranded feeding stuff; authorizing the Director of the Texas Agricultural Experiment Station to petition Judges of County and District Courts for a libel for condemnation and confiscation of adulterated and misbranded feeding stuff; providing for reprocessing and relabeling of condemned feeding stuff; providing for the payment of expenses of proceedings by owners thereof; providing a savings clause; and declaring an emergency."

H. B. No. 495, A bill to be entitled "An Act to amend Section 2, House Bill No. 903, Acts of the Regular Session of the Forty-sixth Legislature so as to make it possible for dishes, receptacles, or utensils to be sterilized with a chlorine solution; and declaring an emergency."

H. B. No. 520, A bill to be entitled "An Act amending Acts, 1945, 49th Legislature, page 639, Chapter 361, Sections 2 and 3, to provide that the provisions and requirements for state aid shall not apply to any independent school district that obtains more than fifty (50%) per cent of its support and maintenance from non-sectarian, charitable, and benevolent sources, and declaring an emergency."

H. B. No. 528, A bill to be entitled "An Act amending Article 2843, Revised Civil Statutes, 1925, Acts of 1941, Forty-seventh Legislature, Regular Session, H. B. No. 312, providing for the adoption of textbooks for use in the public schools of the State on the subject of vocal music; providing for the adoption of a multiple list of textbooks for use in the public high schools of the State on the subject of Economics; providing for the adoption of a multiple list of textbooks for use in the public schools of the State on the subject of Vocal Music; repealing all laws or parts of laws in conflict herewith; providing that any partial invalidity of this Act shall not affect other parts hereof; and declaring an emergency."

H. B. No. 532, A bill to be entitled "An Act defining delinquent parents; providing that delinquent parents are

guilty of a misdemeanor, prescribing a penalty and declaring an emergency."

H. B. No. 539, A bill to be entitled "An Act to amend Section 57, House Bill No. 407, Chapter 4, Acts of the Forty-sixth Legislature as amended by Chapter 272, Acts of the Forty-eighth Legislature, Regular Session, 1943; providing for the disposition of moneys derived from the Certificate of Title Act; and declaring an emergency."

H. B. No. 557, A bill to be entitled "An Act to appropriate money out of the State Treasury to pay a judgment in favor of Roy B. Wadsworth against the State of Texas and the State Highway Commission for the settlement of Thirty-six Hundred Dollars (\$3600) with interest in the sum of One Thousand and Eighty Dollars (\$1080); and declaring an emergency."

H. B. No. 560, A bill to be entitled "An Act making it a felony to enter any motor vehicle or remove and take anything of value therefrom or remove and take any parts of a motor vehicle without the consent of the owner of such vehicle; prescribing a penalty for violation; and declaring an emergency."

H. B. No. 568, A bill to be entitled "An Act amending Chapter 8, Article 149, of the Revised Civil Statutes, of the State of Texas, by adding a new section to be numbered 149J, authorizing and empowering the Board of Directors of the Agricultural and Mechanical College of Texas to establish and maintain an Agricultural Experiment Station for the purpose of making scientific investigations and experiments in the study of agricultural problems with particular emphasis on the study of problems relating to upbuilding of sandy farms in the Northwest region of Texas, said station to be located in Collingsworth County; authorizing said Board of Directors to secure a suitable site for the location of said experiment station, authorizing said Board of Directors to accept donations of land, appropriations, money, or anything of value for the establishment, and maintenance of said station, authorizing the use of any donation or appropriations, placing the supervision of said station under the direction of the Board

of Directors of the Agricultural and Mechanical College of Texas, providing the manner in which said experimental station shall be operated and conducted and declaring an emergency."

H. B. No. 591, A bill to be entitled "An Act to amend Paragraph 1 of Section 3, House Bill No. 565, Acts of 1939, 46th Legislature relating to the matter of parties and the issuance of service and process in tax suits; providing for issuance and service of process on residents and non-residents and for notice to unknown owners; repealing all laws in conflict; and declaring an emergency."

H. B. No. 592, A bill to be entitled "An Act to amend Section 5, Senate Bill No. 208, Acts of 1939, 46th Legislature, relating to issuance of citation in delinquent tax suits; and declaring an emergency."

H. B. No. 604, A bill to be entitled "An Act making an appropriation to pay the deficiency incurred by the State Board of Education in their per diem and travel expense claims for the year 1943-1944 and for which no appropriation has heretofore been made; and declaring an emergency."

H. B. No. 609, A bill to be entitled "An Act amending Acts 1937, Forty-fifth Legislature, Chapter 46, as amended, providing that this Act shall apply to all counties in the State of Texas containing a population of not less than one hundred and ninety thousand (190,000) inhabitants, nor more than three hundred and twenty thousand (320,000) inhabitants, according to the last preceding or any future Federal Census, general or special; providing that the appointment of Chief Probation Officer and Assistants become effective immediately upon the passage of this Act and providing for budget amendment; and declaring an emergency."

H. B. No. 632, A bill to be entitled "An Act amending Acts 1937, Forty-fifth Legislature, Page 1139, Chapter 460, the same being otherwise known and designated as Article 301d of Vernon's Annotated Penal Code, prohibiting Public School Fraternities, Sororities, and Secret Societies in all Public Schools of this State, including High Schools, Junior High Schools, and all Public Schools of lower grades; excepting all Universities and Colleges

above the grade or rank of High Schools; defining terms; providing penalties; repealing all conflicting laws; providing a savings clause; and declaring an emergency."

H. B. No. 638, A bill to be entitled "An Act to amend Subdivisions 3, 4 and 5 of Article 2956, Revised Civil Statutes of Texas, 1925, as amended by the Acts of the Forty-fourth Legislature, Second Called Session, Page 1700, Chapter 437, so as to provide that absentee voting shall begin not more than twelve (12) days before an election and end not later than two (2) days before an election, and declaring an emergency."

H. B. No. 657, A bill to be entitled "An Act authorizing the Texas Prison Board to erect, remove and equip a stadium at the Penitentiary at Huntsville, to be used for rodeos and other exhibitions; authorizing the issuance of revenue bonds and notes to obtain funds to finance same and fixing the terms and conditions of same; authorizing the fixing of rates, fees and charges for the admission to exhibitions; providing that such obligations shall not be a debt against the Prison Board or the State of Texas; providing for the approval of bonds by the Attorney General and registration by the Comptroller; authorizing the Board to do any and all things necessary to carry out the purpose of this law; and declaring an emergency."

H. B. No. 658, A bill to be entitled "An Act amending H. B. No. 78, Chapter 403, Acts of the First Called Session, 44th Legislature, 1935, providing for the creation of a fund to be known as the Industrial Revolving Fund of the Texas State Prison System for the use of said System in the purchasing of supplies and materials for tag plant, shoe shop, print shop, and all other industries of the Texas Prison System, and the delivery of finished products of said industries, of the Texas Prison System, and providing for the payment into said fund by the State Treasurer out of moneys remitted to him by the General Manager of the State Prison System; and providing for the depositing of said fund in equal amounts in the Huntsville National Bank and the First National Bank, all of Huntsville, Texas; and providing for reports of the condition of the Industrial Revolving Fund by

the depositories; and providing for the manner in which warrants may be drawn on said fund; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

H. B. No. 672, A bill to be entitled "An Act providing for a Law Library Fund in certain counties; and declaring an emergency."

H. B. No. 676, A bill to be entitled "An Act amending Article 1679, Revised Civil Statutes of 1925, providing for the establishing, erection and maintenance of county free libraries; providing funds therefor; and declaring an emergency."

H. B. No. 678, A bill to be entitled "An Act to provide whenever any grand jury shall make known to the district judge of any county that the books and records of any county officer should be audited, it shall be the duty of such district judge to appoint an auditor to audit such records and books; providing for the audit of such auditor and for the auditor's report; giving such auditor authority to summons witnesses and to have other legal process; fixing such auditor's compensation; and declaring an emergency."

H. B. No. 689, A bill to be entitled "An Act requiring the teaching of Texas history in all public supported high schools, that all public supported high schools shall require credit in Texas history for graduation; and declaring an emergency."

H. B. No. 563, A bill to be entitled "An Act authorizing the Game, Fish and Oyster Commission to enter into cooperative agreements with the United States of America or any agency thereof to establish, maintain, operate and manage public hunting and fishing areas in national forests in Texas; to purchase, lease or acquire by gift title to or control of real property, and thereon establish, maintain, manage and operate public hunting and fishing grounds; and to receive funds and other aid from the Federal government; and divide said funds between said Districts; establish geographical districts for this purpose; to issue permits for, and regulate, hunting and fishing thereon; to make and enforce all regulations governing the use of such grounds as it may deem necessary and proper to safeguard wildlife and fish species

thereon; authorizing any state agency to lease or sell to said Commission lands deemed by said Commission suitable for use as public hunting and fishing areas and providing certain conditions in cases of lease; dividing the State into eleven administrative districts; providing for transfer to funds of Game, Fish and Oyster Commission of monies necessary to carry out provisions of this Act; making it unlawful to hunt or fish on any public hunting and fishing ground except as authorized by Commission, or to violate any provisions of rule or regulation issued under this Act and prescribing suitable penalty for violation of any provision of any rule or regulation promulgated under this Act; making an appropriation out of funds of the Game, Fish and Oyster Commission; providing for expenditures under this Act; repealing conflicting laws, containing severability clause; and declaring an emergency."

H. B. No. 795, A bill to be entitled "An Act amending Chapter 25 of the Acts of the 39th Legislature, Regular Session, by adding thereto a section to be 'Section 90b,' authorizing certain water control and improvement districts to issue revenue bonds for the purpose of constructing extensions and improvements to water and sewer systems and irrigation systems, and to pledge the net revenues derived from the operation of such irrigation systems to the payment of such bonds, and providing that such bonds may be issued in one or more issues; validating certain districts; and declaring an emergency."

H. B. No. 796, A bill to be entitled "An Act amending Article 5142 of the Revised Civil Statutes of Texas, 1925, as amended by Acts, 1945, 49th Legislature, page 282, Chapter 205, as amended by House Bill 51, Acts of the 50th Legislature, Regular Session, so as to provide for juvenile officers in counties having a population of Eighty Thousand (80,000) and less than One Hundred and Fifty Thousand (150,000); providing for their selection, compensation, and expenses; providing for their assistants, and selection, compensation, and expenses of such assistants; providing all things necessary and incident to the main purpose of this Act; providing a repealing clause, a saving clause; and declaring an emergency."

H. B. No. 804, A bill to be entitled "An Act amending Article 1302, Chapter 1, Title 32, of the Revised Civil Statutes of Texas, 1925, by adding thereto a new sub-division to be known as 'Sub-division 107,' providing for the creation of private corporations to act as general commercial brokers and as customs brokers in the United States and foreign countries; to act as principal or agent in buying and selling merchandise in all foreign countries, and to do general export and import business to and from the United States; and declaring an emergency."

H. B. No. 811, A bill to be entitled "An Act amending Article 57, Revised Civil Statutes of Texas, 1925, as amended by House Bill No. 291, Chapter 163, Acts of the Forty-eighth Legislature, Regular Session, 1943; and declaring an emergency."

H. B. No. 814, A bill to be entitled "An Act to fix the rate of tax to be levied for school purposes in all independent school districts which now levy a total tax of \$1.50 per \$100 assessed valuation of taxable property for maintenance purposes and bond interest and sinking fund purposes, wherein a public free school building may have burned or may burn or be destroyed by fire, whether such independent school district was organized under general or special laws; repealing all laws in conflict herewith, both general and special; and declaring an emergency."

H. B. No. 816, A bill to be entitled "An Act authorizing the Governor to execute a compact on behalf of the State of Texas with certain other states, to be known as 'Gulf States Marine Fisheries Compact,' setting out the agreement of the contracting States; the purposes of said compact; providing when same shall become operative; providing for the Gulf States Marine Fisheries Commission, their powers and duties; making an appropriation to pay the expenses allocated to the State of Texas; providing the means for renunciation of said compact; providing for the designation and appointment of the members of the Commission from Texas; directing all officers, bureaus and departments of the State to cooperate with said Commission; requiring the Commission to keep accounts of receipts and dis-

bursements and make reports thereof; providing that said compact is made subject to Article 1, Section 10 of the Constitution of the United States, and to the ratification of one or more of the other compacting States; providing a savings clause, and declaring an emergency."

H. B. No. 822, A bill to be entitled "An Act to amend Article 2996, Revised Civil Statutes of 1925, to require the payment of a fee by candidates for State offices in special elections; and declaring an emergency."

H. B. No. 823, A bill to be entitled "An Act making it lawful to hunt game birds seven (7) days per week in season in Kaufman County, Texas; repealing all laws or parts of laws in conflict; and declaring an emergency."

H. B. No. 824, A bill to be entitled "An Act making it unlawful for any person to fish for, take, catch, or attempt to catch any fish in the fresh waters of Kaufman County, by certain means; providing a rule of evidence; providing it shall be lawful to fish with artificial bait equipped with more than two (2) hooks; making it lawful to use minnow seines not more than twenty (20) feet in length under certain conditions; providing a penalty for violation of the provisions of this Act; repealing all laws or parts of laws in conflict; and declaring an emergency."

H. B. No. 735, A bill to be entitled "An Act to amend Senate Bill No. 175, being Chapter 15 of the Acts of the Forty-sixth Legislature, Regular Session, effective March 25, 1939, as amended by House Bill No. 502, being Chapter 561 of the Acts of the Forty-seventh Legislature, Regular Session, effective July 2, 1941, as amended by Acts of 1945, 49th Legislature, Page 406, Chapter 261, authorizing independent school districts of common school districts and cities which have assumed the control of public school situated therein to build or purchase buildings and grounds located within or without the district or city, for the purpose of constructing gymnasias, stadia, or other recreational facilities, to build additions thereto, and to authorize the purchase of additional buildings and grounds for such purposes and to mortgage and encumber the same, and the income thereof, and to evidence the

obligation therefor by the issuance of bonds to secure the payment of funds to purchase or construct or to purchase and construct the same; providing that the purchaser shall have a franchise to operate the same in case of foreclosure; providing that no such obligation shall ever be a debt of any such school district or city, but solely a charge upon the property so encumbered; providing that no election for the issuance of such bonds shall be necessary; providing that such project shall be deemed self-liquidating in character; providing that such bonds may be authorized by a majority vote of the boards of trustees of such school districts or the governing bodies of any such cities; providing that the cost of maintaining and operating the project shall be a first charge against the revenues of the project; providing that such bonds shall be payable from the net revenues of the project, together with all future extensions or additions thereto, or replacements thereof; providing for the payment of said bonds; providing that the holder of said bonds shall never have the right to demand payment thereof out of any funds raised or to be raised by taxation; providing that said bonds shall be approved by the Attorney General and registered by the State Comptroller; providing that no bonds authorized shall be issued or executed after the expiration of two (2) years from the effective date of this Act; providing that no land upon which is situated school improvements shall be subject to the indebtedness created hereunder; validating acts heretofore performed by school districts; enacting provisions incident and relating to the subject and purpose of this Act; and declaring an emergency."

H. B. No. 741, A bill to be entitled "An Act to amend the subject matter embraced in Section 3, Section 4, Section 5, Section 6, Section 7, Section 8, Section 14, Section 16, and Section 19, of Senate Bill No. 5, Chapter 482, General and Special Laws of the Forty-fourth Legislature, Third Called Session, as amended; providing for the method of payment of benefits, the method of determination of benefits, and duration thereof; providing for benefit eligibility conditions; providing for the disqualification of claimants to receive benefits under certain conditions; providing

the manner in which claims for benefits may be filed, the benefit amount payable, and the maximum duration thereof; providing an appeal from an initial determination; providing for the establishment of appeal tribunals; providing for Commission review of certain decisions; providing for the manner and procedure in which disputed claims shall be presented and heard; providing for witness fees; providing for an appeal to the courts; providing for the payment of claims filed when, subsequent to the filing, the claimant has died; providing for determining the amount of contributions payable by employers; providing for the rate of contributions to be determined under an experience rating system; providing for duration of coverage of subject employers; method of termination of liability and for voluntary coverage election; providing for interest and penalties on past due contributions, and providing for collection of contributions, penalties, and interest; and providing for a limitation on the period within which action can be brought for the collection of such contributions, penalties, or interest; providing means for the enforcement of the collection of contributions; providing for the making of audits by the Commission, and filing of reports by employers; and providing that such reports or audits, when made, constitute prima facie evidence of liability for taxes hereby imposed; providing for the granting of injunctions and appointing of receivers as aids in the collection of the tax hereby imposed; providing for refund of contributions and penalties erroneously paid, and for an appeal to the courts after payment of contributions alleged to be due; providing for penalties, fines or imprisonment for wilful misrepresentation to obtain or increase any benefit payment under this Act or otherwise violate the provisions of this Act; defining certain additional terms; adding another new Section, to be known as Section 28, providing for the changing of the name of the Texas Unemployment Compensation Commission to Texas Employment Commission; providing that the Act shall be severable; providing for the effective date of this bill; providing for the repeal of all laws and parts of laws in conflict herewith, and preserving the rights of the State which

have accrued up to the effective date of this bill."

H. B. No. 754, A bill to be entitled "An Act amending Chapter 8, Article 149, of the Revised Civil Statutes, of the State of Texas, by adding a new section numbered 149k, authorizing and empowering the Board of Directors of the Agricultural and Mechanical College of Texas to establish and maintain an Agricultural Experiment Station for the purpose of making scientific investigations and experiments in the study of agricultural problems relating to upbuildings of irrigated farms in the High Plains region of Texas, said station to be located in Swisher County, authorizing said Board of Directors to secure a suitable site for the location of said Experiment Station, authorizing said Board of Directors to accept donations of land, appropriations, money, or anything of value for the establishment and maintenance of said station, authorizing the use of any donation or appropriations, placing the supervision of said station under the direction of the Board of Directors of the Agricultural and Mechanical College of Texas, providing the manner in which said Experiment Station shall be operated and conducted; and declaring an emergency."

H. B. No. 760, A bill to be entitled "An Act to amend Chapter 204 of the Acts of the 49th Legislature, page 380 by fixing the salary of County Commissioners in counties having certain assessed valuations."

H. B. No. 784, A bill to be entitled "An Act making an appropriation to pay the unpaid balance of the court costs in Cause No. 20,707-B, State of Texas vs. Alberto Balli, et al., in the 117th District Court of Nueces County, Texas; and declaring an emergency."

H. B. No. 791, A bill to be entitled "An Act authorizing the Governor to sell and convey to Coleman-Isgate Post No. 293 of the American Legion a tract of 1.4 acres of land in the city of Rusk, Cherokee County, Texas, and declaring an emergency."

H. B. No. 825, A bill to be entitled "An Act to amend Section 2 of Chapter 506 of the Acts of the Forty-fifth Legislature, pages 1494-A, as

amended by House Bill No. 565, Section 1, of the Acts of the Forty-sixth Legislature, same also being designated Section 2 of Article 7345-B of the Revised Civil Statutes of Texas, by adding thereto subdivisions F, G, and H, providing that where any land, either rural or urban, has been divided into lots or tracts that all of the owners of lots or tracts in said subdivision upon which taxes are due and delinquent to the State of Texas, and political subdivision thereof of any taxing unit, as the same is defined in said law, may be joined in one suit for the collection of all taxes delinquent upon lots or tracts in any such subdivision, but that in such suits judgment shall be rendered against each defendant individually for the amount of taxes due upon the land owned by such respective defendants and the land upon which the tax lien is foreclosed, and upon each tract separately for the amount of taxes against such respective tracts, and that in event of foreclosure of such land each of said tracts or lots shall be sold separately to satisfy the lien for taxes against such respective tracts or lots, and providing further that where the taxes against such lots or tracts in such subdivision are owned by or assessed against any person or persons whose residence and whereabouts are unknown to the attorney filing such suit or a non-resident of the State of Texas or an unknown owner, that all citations, notice and other process may be served upon such non-residents, persons whose residence and whereabouts are unknown to the attorney filing said suit or against unknown owners by posting such citation, notice or process at three public places in the county in which said lots or tracts are situated, one of which shall be the door of the courthouse of such county, for at least fourteen days prior to the time when such process is returnable, and when such notice, citation or process is posted as herein provided it shall be sufficient and no other form of citation, notice or process upon such defendants shall be necessary, providing that such provisions shall be cumulative of all other laws upon the same subject when not in direct conflict therewith; and declaring an emergency."

H. C. R. No. 117, Authorizing the

Enrolling Clerk to make certain changes in H. B. No. 134.

H. B. No. 478, A bill to be entitled "An Act to authorize all State Schools that receive money under existing law from the State Available School Fund to use such money to supplement the salaries of teachers in such schools; repealing all laws and parts of laws in conflict and declaring an emergency."

The House has granted the request of the Senate for the appointment of a conference committee on Senate Bill No. 362.

The following have been appointed on the part of the House: Cannon, Cox, Ridgeway, Crosthwait, Celaya.

The House refused to concur in Senate amendments to House Bill No. 521 and has requested the appointment of a conference committee to consider the differences between the two Houses.

The following have been appointed on the part of the House: Edwards, Kilgore, Celaya, Kazen, Bell of Bexar.

The House has granted the request of the Senate for the appointment of a conference committee on Senate Bill No. 141.

The following have been appointed on the part of the House: Heflin, Fly, Suiter, Jameson, Senterfitt.

The House refused to concur in Senate amendments to House Bill No. 480 and has requested the appointment of a conference committee to consider the differences between the two Houses.

The following have been appointed on the part of the House: Reams, Moore of Harris, McDaniel, Moore of Val Verde, Cox.

S. B. No. 148, A bill to be entitled "An Act amending Section 1 of Acts 1931, 42nd Legislature, First Called Session, Chapter 20, General and Special Laws, so as to make said Act applicable to persons over six (6) and not over twenty-one (21) years of age on October 1st of any scholastic year; and declaring an emergency."

S. B. No. 159, A bill to be entitled "An Act providing for the combin-

ing of reports by school districts, their officers, agents or employees, to the State Superintendent or Department of Education so as to avoid a multiplicity thereof; providing that the State Auditor shall prescribe or approve such forms; providing what information shall be called for in such forms; providing that this Act shall take precedence over other laws in conflict herewith; providing that this Act shall take effect and be in force on and after September 1, 1947; and declaring an emergency." (With an amendment.)

S. B. No. 131, Amending Article 734b, Vernon's Annotated Criminal Statutes of the State of Texas, Penal Code, Revision of 1925, by amending all and every part of Section 1 to and through Section 25 inclusive, making it unlawful for any person to engage in the practice of a hairdresser or cosmetologist or to operate a cosmetological school without having first obtained a certificate of registration; making it unlawful for the owner of any hairdressing or cosmetological shop to employ certain persons to work therein who have not obtained licenses; etc., and declaring an emergency. (With amendments.)

S. B. No. 134, Amending Section 1 of H. B. No. 375, Chapter 252, Acts of the 49th Legislature of the State of Texas, Regular Session, 1945, page 390, by providing for the creation of corporations with power (a) to buy livestock, poultry and products of ranch, farm, dairy and creamery, and the by-products thereof, and manufacture, process and sell such products and by-products; and (b) to buy, manufacture and sell feeds, fertilizers, insecticides, fungicides, soaps and cleansers; etc., and declaring an emergency.

H. B. No. 230, Amending Article 1041a of the Revised Code of Criminal Procedure of Texas; providing for the compensation of jailers and/or turnkeys in all counties in the State having a population of not less than one hundred ninety thousand (190,000) inhabitants and not more than two hundred twenty-five thousand (225,000) inhabitants according to the last or any future Federal census; repealing all laws in conflict herewith, and declaring an emergency.

H. B. No. 269, To amend and reenact Article 249B, Texas Revised

Civil Statutes, so that an additional period is provided in which practicing architects who were practicing on May 22, 1937 may register and receive a certificate without examination.

H. B. No. 92, A bill to be entitled "An Act to provide for the licensing and regulation of auto wreckers and junk dealers, with a certain specified exception, so as to make it mandatory for persons licensed under this Act to comply with its provisions. Defining the terms 'Person,' 'Motor Vehicle,' 'Department,' 'Junking Certificates'; placing the administration and enforcement of the law in the Texas Highway Department, and providing its rights and duties in respect thereto; authorizing the said Department to prescribe necessary forms and to make rules necessary to effectuate the law; authorizing the Department to charge a license fee of \$10.00 per annum, for the issuance of licenses to persons affected by this law. Providing a penalty for failing to comply with the provision of this Act, defining such penalty and fine or imprisonment. Providing for persons licensed under this Act to keep a permanent record and description of each and every motor vehicle wrecked, junked, dismantled, permanently disassembled, or substantially altered by the licensee. Providing for these records to be open at all times for examination by a duly authorized agent or representative of the Department. Providing for the disposition of fees collected under this Act; providing a saving clause as to constitutionality; repealing laws in conflict and declaring an emergency."

H. B. No. 102, A bill to be entitled "An Act amending Section 47, Chapter 4, Acts of the Forty-sixth Legislature, 1939, by adding a new section to be known as Section 47a, authorizing the Department to cancel liens that have been of record for a period of six (6) years or more; providing a saving clause, and repealing all laws in conflict herewith."

H. B. No. 133, A bill to be entitled "An Act amending Article 6698 of the Revised Civil Statutes, and authorizing incorporated cities and towns to license and regulate vehicles operated for hire, the business of operating such vehicles and the drivers thereof, and to impose permit

fees and street rental, and declaring an emergency."

H. B. No. 149, A bill to be entitled "An Act to amend Article 2101, Revised Civil Statutes of Texas, 1925, to apply to certain counties only, and providing that 'The Interchangeable Jury Law' shall apply in the selection of Jurors in the trial of capital cases, as the same applies in the trial of other felony and civil cases in such counties; and that the provisions of 'The Jury Wheel Law' shall remain in force in such counties except as herein modified; providing for the selection of the General Panel of Jurors for service in all courts of record in such counties, and for the organization, supervision and duties of the General Panel of Jurors; the manner and method of service of notice on such jurors, and swearing them in for service, and the hearing of excuses and trying the qualifications and providing for the granting of excuses and postponements of service in addition to those now provided by law, making final and not subject to objection by any party, the action of the Judge thereon; providing for excusing prospective jurors by agreement, providing for the granting of excuses by the trial Judge; providing for the punishment and judgment nisi for jurors failing or refusing to appear, and fixing the penalty that is required to be assessed in such cases and making same mandatory and not discretionary; providing for notice of judgment nisi to such jurors and for a hearing thereon, and the action that may be taken by the judge thereon to excuse said jurors or to make said judgment nisi final and punish the offender as herein provided; providing that said jurors may be used interchangeably in all courts of record in said counties; providing for additional jurors in all cases to be drawn from the Jury Wheel, except as herein otherwise provided, to supplement deficiencies on the General Panel of Jurors, and for paying such additional jurors; providing for summoning additional talesmen in certain cases and the per diem pay for such talesmen; declaring the legislative intent that in all counties within the provisions of this Act, then, the Special Venire shall be abolished in capital cases, and the jurors in capital cases shall be selected as herein provided for the selection of jurors in other felony cases; repealing Ar-

ticles 587, 588, 589, 590, 591, 597, 598, 600, and 601 of Chap. 2, Title 8, Code of Criminal Procedure of Texas, 1925 and Articles 602, 603, 604, 606, 607, 608, 609, 610, 611, 612, 613, 620, 622, 623, 624, and 625 (as amended) of Chapter 3, Title 8, Code of Criminal Procedure of Texas, 1925, and all other laws and parts of laws in conflict herewith in so far as the same apply to the trial of capital cases in the counties within the provisions of this Act, but that the same are to remain in full force and effect in all other counties of this State; providing that nothing in this Act shall be held to repeal any part of Acts 1927, 40th Legislature, page 33, Chapter 24; providing a saving clause; and declaring an emergency."

H. B. No. 183, A bill to be entitled "An Act providing for transfer of moneys now on deposit in the State Treasury to the credit of the Special Game Fund, the Special Fish Propagation and Protection Fund, the Sand, Shell and Gravel Fund, Fish and Oyster Fund, the Medina Lake Fund, and the Lake Worth-Eagle Mountain Lake Fund, to a single fund in the State Treasury to be known as the Special Game and Fish Fund; providing that moneys collected for the purposes for which said funds were created be deposited in the State Treasury to the credit of the Special Game and Fish Fund; designating purposes for which such moneys may be used; providing for disposition of money collected for sale of property purchased out of said funds; providing for an effective date of this Act; providing for expenditures; repealing conflicting laws; expressly retaining purposes of present fund expenditures; and declaring an emergency."

H. B. No. 220, A bill to be entitled "An Act to amend Title 5, Chapter 1, of the Penal Code of Texas by adding thereto another article to be known as Article 178b, and making bribery of officials, players and participants in athletic contests a crime."

H. B. No. 307, A bill to be entitled "An Act amending Article 923h, Penal Code, 1925, and Article 884, Penal Code 1925, to permit the sale of deer hides, repealing all conflicting laws or parts of laws and declaring an emergency."

The House has concurred in Senate amendments to House Bill No. 683 by a vote of 112 yeas, 1 no.

The House has concurred in Senate amendments to House Bill No. 821 by a vote of 113 yeas, 0 noes.

The House has concurred in Senate amendments to House Bill No. 548 by a vote of 118 yeas, 0 noes.

The House has concurred in Senate amendments to House Bill No. 780 by a viva voce vote.

Respectfully submitted,
CLARENCE JONES,
Chief Clerk, House of Representatives.

Senate Resolution 99

(Driver Training Course in
Public Schools)

Senator Aikin offered the following resolution:

Whereas, an average of 2,000 Texans die each year as a result of traffic accidents, and several thousand are permanently injured, and

Whereas, this appalling loss and wreckage of human life creates a menace to our social and economic way of life, and

Whereas, the greatest number of drivers involved in traffic accidents are in the age group of 17 to 24 years, and

Whereas, statistics prove in cities and states that have conducted driver education classes in their high schools that such accidents can be substantially reduced, and

Whereas, several agencies in Texas, public and private, have worked diligently with the Public Schools of Texas in promulgating a driver education program for Texas Schools, and

Whereas, school administrators of one-fourth of Texas High Schools have accepted the responsibility of educating our youths for safe living by offering driver education courses this school year,

Now, Therefore, Be It Resolved, that the Senate of the 50th Legislature, by this resolution, commend this group of school administrators for their initiative in helping make a safer Texas through the training of our youthful drivers, and

Be It Further Resolved, that the Senate of the 50th Legislature, urge all of the school administrators of

Texas to inaugurate driver training courses in their respective schools during the coming school year.

AIKIN
PROFFER.

The resolution was read and was adopted.

Committee Substitute Senate Bill 118 on Second Reading

On motion of Senator Weinert, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C. S. S. B. No. 118, A bill to be entitled "An Act prohibiting the firing or discharge of certain types of firearms into, on, along or across the public waters of this State; providing for a penalty; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Committee Substitute Senate Bill 118 on Third Reading

Senator Weinert moved that the constitutional rule requiring bills to be read on three several days be suspended and that C. S. S. B. No. 118 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—24

Aikin	Moffett
Brown	Morris
Bullock	Phillips
Carney	Proffer
Cousins	Ramsey
Crawford	Stewart
Hardeman	Strauss
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Weinert
Knight	Winfield
Lane	York

Absent

Chadick	Parrish
Hazlewood	Stanford

Absent—Excused

Harris	Taylor
Mauritz	

The President pro tempore then

laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Conference Committee on Senate Bill 341

The President pro tempore announced the appointment of the following conference committee, on the part of the Senate, on Senate Bill No. 341: Senators Proffer, Aikin, Bullock, Knight and Morris.

House Concurrent Resolution 108

On motion of Senator York, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. C. R. No. 108, Instructing the Enrolling Clerk to correct H. B. No. 507.

The resolution was read and was adopted.

Committee Substitute Senate Bill 382 on Second Reading

On motion of Senator Kelley of Hidalgo, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C. S. S. B. No. 382, A bill to be entitled "An Act to authorize the State Parks Board to accept title in behalf of the State of Texas to the Port Isabel Lighthouse and the site on which it is located; to dedicate the lighthouse and site when so acquired as a State Historical Monument and Park; authorizing the Parks Board to rehabilitate and preserve said lighthouse and to collect admission fees from those visiting the site or operate it on a concession basis pursuant to the provisions of Chapter 1 of Title 103 of the Revised Civil Statutes of 1925 as amended; and declaring an emergency."

The bill was read second time.

On motion of Senator Kelley of Hidalgo, and by unanimous consent, the caption was amended to conform with the body of the bill as amended.

The bill was passed to engrossment.

Committee Substitute Senate Bill 382 on Third Reading

Senator Kelley of Hidalgo moved that the constitutional rule requiring bills to be read on three several days be suspended and that C. S. S. B. No. 382 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Morris
Brown	Parrish
Bullock	Phillips
Carney	Proffer
Chadick	Ramsey
Cousins	Stanford
Crawford	Stewart
Hardeman	Strauss
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Weinert
Knight	Winfield
Lane	York
Moffett	

Absent

Hazlewood

Absent—Excused

Harris	Taylor
Mauritz	

The President pro tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27

Aikin	Morris
Brown	Parrish
Bullock	Phillips
Carney	Proffer
Chadick	Ramsey
Cousins	Stanford
Crawford	Stewart
Hardeman	Strauss
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Weinert
Knight	Winfield
Lane	York
Moffett	

Absent

Hazlewood

Absent—Excused

Harris Taylor
Mauritz

Messages from the Governor

The following messages received from the Governor today, were laid before the Senate, read, and referred to the Committee on Nominations of the Governor:

Austin, Texas,
May 12, 1947.

To the Senate of the Fiftieth
Legislature:

On April 25th, 1947, I submitted the name of Davis Brown of Sherman, Grayson County, to be Judge of the County Court at Law of Grayson County. The name as submitted was misspelled, and the message should have read as follows:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

To be judge of the County Court at Law of Grayson County:

David H. Brown of Sherman, Grayson County.

Respectfully submitted,
BEAUFORD H. JESTER,
Governor of Texas.

Austin, Texas,
May 12, 1947.

To the Senate of the Fiftieth
Legislature:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

To be Judge of the 130th Judicial District (Created by Senate Bill No. 230, 50th Legislature):

G. P. Hardy, Jr., of Bay City, Matagorda County.

Respectfully submitted,
BEAUFORD H. JESTER,
Governor of Texas.

**Report of Conference Committee on
House Bill 292**

Senator Hardeman submitted the following report:

Hon. Allan Shivers, President of the Senate.

Hon. W. O. Reed, Speaker of the House of Representatives.

Sirs: We, the members of your Conference Committee, appointed to adjust the differences between the Sen-

ate and the House on H. B. No. 292, have met and considered our duties in the premises and recommend that H. B. No. 292 be passed in the form hereto attached.

ISAACKS
KILGORE
KAZEN
BELL
HEFLIN
WINFIELD
RAMSEY
CARNEY
HARDEMAN
HARRIS

On the Part of the House.

On the part of the Senate.

H. B. No. 292 By Isaacks
AN ACT

to amend Title 14 of the Revised Civil Statutes of Texas by adding thereto Article 307B, providing (1) that Law Licenses shall be granted without requirement of passage of the State Bar Examination as to any subject or subjects which the candidate has satisfactorily passed prior to entering the Military Service or Merchant Marine Service of the United States in certain Law Schools, and providing such applicants are graduates of such Law Schools, and providing that such candidate has been a citizen of Texas for at least one (1) year prior to the passage of this Act and has served at least one (1) year in the Military Service or Merchant Marine Service of the United States and shall have been honorably discharged or released from active Military Service or Merchant Marine Service and has the character requirements prescribed by the Rules of the Supreme Court of Texas, and providing that application for such examination shall have been filed not later than six (6) months after such candidate graduates from one of the specified Law Schools; repealing all laws in conflict herewith; providing a severability clause; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Title 14 of the Revised Civil Statutes be amended by adding thereto a new Article to be known as Article 307B to read as follows:

"Article 307B. (a) Law Licenses shall be granted without requirements of passage of the State Bar Examination as to any subject or subjects which the candidate has satisfactorily

passed prior to entering the Military Service or Merchant Marine Service of the United States in the Law Schools of the University of Texas, Baylor University and Southern Methodist University, provided such applicants are graduates of such Law Schools, provided such candidate has been a citizen of Texas for at least one (1) year prior to the passage of this Act, and has served at least one (1) year in the Military Service or Merchant Marine Service of the United States. Such candidate must have been honorably discharged or released from active Military Service and must have the character requirements prescribed by the Rules of the Supreme Court of Texas. Such candidate shall file with his application for license a certified copy of his honorable discharge or release from active Military Service or Merchant Marine Service of the United States. Such application shall be filed with the Clerk of the Supreme Court of Texas not later than six (6) months after such candidate graduates from one of the above-named Law Schools. Military Service or Merchant Marine Service shall include service in all branches of the Army, Navy and other Military Forces or Merchant Marine Service of the United States, including Auxiliary Service during World War II or during national emergency as declared by Congress or the President of the United States.

Sec. 2. All laws and parts of laws in conflict herewith are hereby repealed.

Sec. 3. It is the legislative intent that if any clause, section, sentence, paragraph or subdivision of this bill shall for any reason be declared invalid, then such invalidity shall not affect any other clause, section, sentence, paragraph or subdivision.

Sec. 4. On account of the crowded condition of the calendar and because of the fact that a State Bar Examination will be held in the near future, and the necessity of having a law exempting those engaged in the Military Service or Merchant Marine Service from examinations in subjects passed before such applicant's induction into the Military Service or Merchant Marine Service, so that they may take such examination without including therein subjects previously passed in a university or college, create an emergency and an imperative public necessity that the Constitutional Rule requiring that bills

be read on three several days in each House be suspended, and such Rule is by this Act suspended, and this Act shall take effect and be in full force from and after its passage, and it is so enacted.

The report was read and was adopted by the following vote:

Yeas—21

Aikin	Lane
Brown	Moffett
Bullock	Parrish
Carney	Phillips
Chadick	Proffer
Cousins	Ramsey
Crawford	Strauss
Hardeman	Tynan
Jones	Winfield
Kelley of Hidalgo	York
Kelly of Tarrant	

Nays—4

Knight	Vick
Stewart	Weinert

Absent

Hazlewood	Stanford
Morris	

Absent—Excused

Harris	Taylor
Mauritz	

Bill Re-referred

On motion of Senator Moffett, S. B. No. 419 was withdrawn from the Committee on State Affairs and re-referred to the Committee on Finance.

Senate Bill 407 on Second Reading

On motion of Senator Phillips, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 407, A bill to be entitled "An Act making an appropriation to pay J. H. Ross a refund due him by reason of double assessment and double payment of taxes, and declaring an emergency."

The bill was read second time.

Senator Phillips offered the following amendment to the bill:

Amend Senate Bill No. 407, Section 1, by striking out the words and figures "Two Hundred Sixty-three & 01/100 (\$263.01)" wherever they ap-

pear and inserting in lieu thereof the words and figures "Two Hundred Ninety-two & 82/100 (\$292.82)."

The amendment was adopted.

S. B. No. 407 was passed to engrossment.

Senate Bill 407 on Third Reading

Senator Phillips moved that the constitutional rule requiring bills to be read on three several days be suspended and that Senate Bill No. 407 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Moffett
Brown	Morris
Bullock	Parrish
Carney	Phillips
Chadick	Proffer
Cousins	Ramsey
Crawford	Stanford
Hardeman	Stewart
Hazlewood	Strauss
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Weinert
Knight	Winfield
Lane	York

Absent—Excused

Harris	Taylor
Mauritz	

The President pro tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27

Aikin	Morris
Brown	Parrish
Bullock	Phillips
Carney	Proffer
Chadick	Ramsey
Cousins	Stanford
Crawford	Stewart
Hardeman	Strauss
Hazlewood	Tynan
Jones	Vick
Kelly of Tarrant	Weinert
Knight	Winfield
Lane	York
Moffett	

Absent

Kelley of Hidalgo

Absent—Excused

Harris	Taylor
Mauritz	

Senate Bill 159 With House Amendments

Senator Bullock called Senate Bill No. 159 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

On motion of Senator Bullock, the Senate concurred in the House amendments to the bill.

Senate Bill 376 on Second Reading

On motion of Senator Vick, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 376, A bill to be entitled "An Act creating a State Park in Washington County, Texas, to be known as 'Independence State Park'; setting aside for the purpose of said State Park certain described tracts of land in Washington County; placing said Park under the jurisdiction, care, and direction of the State Park Board; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 376 on Third Reading

Senator Vick moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 376 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Knight
Brown	Lane
Bullock	Moffett
Carney	Morris
Chadick	Parrish
Cousins	Phillips
Crawford	Proffer
Hardeman	Ramsey
Hazlewood	Stanford
Jones	Stewart
Kelly of Tarrant	Strauss

Tynan
Vick
Weinert

Winfield
York

Absent

Kelley of Hidalgo

Absent—Excused

Harris
Mauritz

Taylor

The President pro tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Senate Resolution 100

(Welcome to Waco High School)

Senator Vick offered the following resolution:

Whereas, Mr. Ernest Cabe, Principal of the Waco High School, Miss Waurine Walker and Mrs. E. H. Vaden, teachers and students of the Waco High School of Waco, Texas, are in the City of Austin and now present in the gallery of the Senate; now, therefore, be it

Resolved, by the Senate of Texas, that Mr. Ernest Cabe, Miss Waurine Walker and Mrs. E. H. Vaden, teachers and the students be officially welcomed to the State Capitol.

The resolution was read and was adopted.

Senate Bill 421 on First Reading

Senator Proffer moved that the rules adopted pursuant to Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—28

Aikin	Moffett
Brown	Morris
Bullock	Parrish
Carney	Phillips
Chadick	Proffer
Cousins	Ramsey
Crawford	Stanford
Hardeman	Stewart
Hazlewood	Strauss
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Weinert
Knight	Winfield
Lane	York

Absent—Excused

Harris
Mauritz

Taylor

The following bill then was introduced, read first time and referred to the Committee on Judicial Districts.

S. B. No. 421, A bill to be entitled "An Act to reorganize the Forty-third Judicial District of the State of Texas; providing for holding the District Courts and terms in said Judicial District; providing that the Judge of the Court may hold as many sessions of court in any term of the court in any county as is deemed proper and expedient; providing that all process and writs heretofore issued and all recognizances and bonds heretofore made and executed and returnable to existing terms of the District Court in the counties composing said District together with jurors heretofore selected, are valid and returnable to the first of such court after this Act takes effect; providing that the County Attorneys of the respective counties within said Forty-third Judicial District shall perform the duties of District Attorneys in their counties as well as the duties now performed by them, and providing fees of office for such County Attorneys; providing for the jurisdiction of said District Courts, and providing for the continuation of the existing District Court in said counties in session when this Act takes effect to the end of its term; providing that partial unconstitutionality of this Act shall not affect the remainder thereof; repealing all conflicting laws; and declaring an emergency."

Senate Bill 239 on Second Reading

Senator Morris moved to suspend the regular order of business to take up Senate Bill No. 239 for consideration at this time.

The motion prevailed by the following vote:

Yeas—20

Aikin	Kelly of Tarrant
Brown	Lane
Bullock	Moffett
Carney	Morris
Chadick	Ramsey
Cousins	Stanford
Crawford	Stewart
Hardeman	Strauss
Hazlewood	Tynan
Kelley of Hidalgo	Weinert

Nays—8

Jones	Proffer
Knight	Vick
Parrish	Winfield
Phillips	York

Absent—Excused

Harris	Taylor
Mauritz	

The President pro tempore then laid before the Senate on its second reading and passage to engrossment:

S. B. No. 239, A bill to be entitled "An Act to promote safe driving and to remove from the highways the reckless and financially irresponsible drivers by providing for proof of financial responsibility and requiring security of owners and operators of motor vehicles following accidents; defining certain words and phrases; prescribing the duties and vesting power to administer the provisions of this Act in the Department of Public Safety and making appropriation therefor; providing for court review; requiring the Department to furnish operating records; requiring reports of accidents; etc., and declaring an emergency."

The bill was read second time.

Senator Hardeman offered the following amendment to the bill:

Amend S. B. 239 by inserting in Sec. 2(b), page 3, line 26 after the word "thereof" the following: "which review shall be a trial de novo".

The amendment was adopted.

Senator Hardeman offered the following amendment to the bill:

Amend S. B. 239, page 13, Sec. 34 (b), line 8 by striking out the words "such a person" and inserting in lieu thereof the following: "any owner or operator of a motor vehicle" and by amending line 9 by striking the words "such person" and substitute the words "such owner or operator."

The amendment was adopted.

Question—Shall the bill be passed to engrossment?

Senate Bill 338 With House Amendments

Senator Kelley of Hidalgo called S. B. No. 338 from the President's

table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

On motion of Senator Kelley of Hidalgo, the Senate concurred in the House amendments to the bill.

House Bill 329 on Second Reading

On motion of Senator Aikin, and by unanimous consent, the Senate Rules requiring committee reports to lie over one day, and printed copies of a bill to lie on the members' desks twenty-four hours before consideration of the bill, were severally suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 329, A bill to be entitled "An Act to appropriate Fifty-five Thousand (\$55,000.00) Dollars out of the General Revenue Fund of the State of Texas not otherwise appropriated, to the Adjutant General's Department for the use and benefit of the Veterans' State Officer pursuant to and in compliance with Public Law 679—79th Congress in establishing a program for the supervision of training veterans of World War II; and authorizing the State Treasurer to accept moneys placed in the State Treasury by the Veterans' Administration, to reimburse the State and local agencies for expenses incurred in rendering services in connection with the administration of such Fund by the Veterans' Administration Officer; and providing that at the end of the term the Fifty-five Thousand (\$55,000.00) Dollars here appropriated shall revert to General Revenue; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 329 on Third Reading

Senator Aikin moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 329 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Brown
-------	-------

Bullock	Morris
Carney	Parrish
Chadick	Phillips
Cousins	Proffer
Crawford	Ramsey
Hardeman	Stanford
Hazlewood	Stewart
Jones	Strauss
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick
Knight	Weinert
Lane	Winfield
Moffett	York

Absent—Excused

Harris	Taylor
Mauritz	

The President pro tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

Aikin	Moffett
Brown	Morris
Bullock	Parrish
Carney	Phillips
Chadick	Proffer
Cousins	Ramsey
Crawford	Stanford
Hardeman	Stewart
Hazlewood	Strauss
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Weinert
Knight	Winfield
Lane	York

Absent—Excused

Harris	Taylor
Mauritz	

Recess

On motion of Senator Proffer, the Senate, at 12:15 o'clock p. m., took recess to 2:30 o'clock p. m., today.

Afternoon Session

The Senate met at 2:30 o'clock p. m. and was called to order by the President pro tempore.

Bills and Resolutions Signed

The President pro tempore signed in the presence of the Senate, after giving due notice thereof, the following enrolled bills and resolutions:

H. B. No. 776, A bill to be entitled

"An Act providing for the taking of deer and wild turkey in the County of Freestone for a period of five (5) years; providing a penalty for violation of said Act; and declaring an emergency."

H. B. No. 771, A bill to be entitled "An Act making it unlawful to take or kill wild deer in the County of Taylor, Texas, for a period of five years; prescribing penalty for violation of this Act; and declaring an emergency."

H. B. No. 702, A bill to be entitled "An Act permitting certain fiduciaries to establish common trust funds and to invest trust funds therein; providing for court accountings with regard to such funds and dispensing with the necessity thereof in certain circumstances; providing for interpretation of the Act to make uniform the law for the states; specifying a short title; providing for severability of the provisions of the Act; repealing all laws inconsistent therewith; and specifying the time for taking effect of the Act and the fiduciary relationship to which it shall apply."

H. B. No. 654, A bill to be entitled "An Act amending Acts 1941, 47th Legislature, page 784, Chapter 487, providing for the compensation of grand jury bailiffs in counties having a population of not less than two hundred fifty thousand (250,000) inhabitants and not more than five hundred thousand (500,000) inhabitants according to the last preceding or any future Federal census; repealing all laws or parts of laws in conflict herewith to the extent of such conflict only; and declaring an emergency."

H. B. No. 627, A bill to be entitled "An Act amending Acts 1931, Forty-second Legislature, Regular Session, Special Laws, page 259, Chapter 137, Section 6, providing for the Bond to be given by the County Engineers and for the payment of the premium thereon; and declaring an emergency."

H. B. No. 618, A bill to be entitled "An Act authorizing the City Commission of all home rule cities in this State having a population of more than thirty-one thousand (31,000) inhabitants and not more than thirty-two thousand, five hundred (32,500) inhabitants, according to the last preceding Federal census, an

easement on and over all public highways and country roads in the county in which such cities are situated for the purpose of constructing, laying and maintaining water pipe lines, which constitute a part of the water supply system operated by such cities; and declaring an emergency."

H. B. No. 597, A bill to be entitled "An Act to authorize an automobile expense allowance out of county funds for constables in heavily populated precincts in counties of more than five hundred thousand (500,000) population according to the last preceding or any future Federal census; and declaring an emergency."

H. B. No. 589, A bill to be entitled "An Act amending Acts 1945, Forty-ninth Legislature, page 517, Chapter 315, Section 11, fixing the time within which individuals or public accountants are entitled to register; and declaring an emergency."

H. B. No. 473, A bill to be entitled "An Act to make it unlawful to take or kill wild quail or mourning doves for a period of five (5) years in Borden County, Texas; fixing penalty; providing a rule of evidence; and declaring an emergency."

H. B. No. 460, A bill to be entitled "An Act authorizing the State of Texas to invest certain funds in government bonds or other obligations of the United States of America, and authorizing any political subdivision of the State of Texas which heretofore has issued and sold bonds and is unable to obtain labor and materials to carry out the purpose for which the bonds were issued may invest the proceeds now on hand in government bonds or other obligations of the United States of America; providing that whenever such political subdivisions are able to acquire the necessary labor and materials, the bonds of the United States in which said proceeds are invested shall be sold or redeemed and the proceeds of said bonds shall be used for the purpose for which the bonds of any such subdivision were authorized; and declaring an emergency."

H. B. No. 298, A bill to be entitled "An Act to amend Chapter 314, Acts of the Regular Session of the Forty-first Legislature, 1929, as amended at subsequent Sessions of the Legislature (Article 911b, Revised Civil

Statutes of Texas, 1925) by adding thereto a new Section to be known as Section 18a; providing for the reciprocity between Texas and other States of the United States with reference to the payment of certain fees and expenses by Motor Carriers operating exclusively in interstate commerce with certain exceptions; providing for notice to the Railroad Commission of Texas; providing that it shall not be necessary for such interstate carriers to display on their vehicles identification plates issued by the Railroad Commission of Texas; repealing all laws in conflict herewith; and declaring an emergency."

H. B. No. 212, A bill to be entitled "An Act providing that in all counties having an assessed property valuation of from \$20,000,000.00 to \$25,000,000.00 for ad valorem tax purposes on the county tax rolls for the year 1946, salaries of First Assistant or Chief Deputy Tax Assessor-Collector may be fixed by order of the Commissioners' Court of said counties at not to exceed Three Thousand Six Hundred Dollars per annum, payable in equal monthly installments, repealing all laws in conflict herewith; and declaring an emergency."

H. B. No. 801, A bill to be entitled "An Act providing in certain counties for the appointment by the District Judges of a bailiff to be in charge of the general panel in such counties; providing for such bailiff having authority to summon jurors and serve notice upon absent jurors; providing for the duties of such bailiff, his term of office and salary; providing for a saving clause; and declaring an emergency."

S. C. R. No. 41, Instructing the Enrolling Clerk of the Senate to make certain corrections in Senate Bill No. 282, etc.

S. C. R. No. 39, Giving the State Board of Control the right to sell or lease a small frame building in Paris, Lamar County, Texas.

S. B. No. 381, A bill to be entitled "An Act making an emergency appropriation in the sum of twelve hundred dollars (\$1200.00) to the Texas State Board of Dental Examiners for the remainder of the current fiscal year ending August 31, 1947. Said appropriation to be from the

Dental Registration Fund; and declaring an emergency."

S. B. No. 69, Making an appropriation out of the State Highway fund of the State of Texas to pay Mrs. Bess Bagwell, Eric Bagwell, Jerome Bagwell, Anna J. Bagwell and John S. Bagwell, Jr., the sum of Two Thousand Forty and 28/100 (\$2,040.28) Dollars in satisfaction and payment of that certain judgment rendered against the State of Texas in favor of John S. Bagwell in Cause No. 4123 in the 62nd Judicial District of Texas in Mount Vernon, Franklin County, Texas, and declaring an emergency."

S. B. No. 153, A bill to be entitled "An Act giving County Surveyors and Licensed State Land Surveyors the right of ingress and egress on privately owned lands for the purpose of locating the lines, boundaries and corners of lands in which the State may have an interest; declaring a public policy; defining words and terms; providing for penalties; declaring that all laws in conflict herewith are repealed; providing if any part of this Act is held unconstitutional, the balance hereof shall be upheld; and declaring an emergency."

S. B. No. 258, A bill to be entitled "An Act to amend Section 1 of Chapter 90, page 194, Special Laws, 42nd Legislature, Regular Session, 1931, as amended by Chapter 33, page 41, Special Laws, 43rd Legislature, Regular Session, 1933, as amended by Acts 1941, 47th Leg., p. 392, ch. 224, sec. 1, and as amended by implication by conflicting provisions of Acts 1945, 49th Leg., ch. 9, p. 13, and Acts 1943, 48th Leg., p. 24, ch. 21, and Acts 1941, 47th Leg., ch. 353, p. 559, as amended by Acts 1945, 49th Leg., ch. 121, p. 166, so as to include McLennan County in the provisions of said law; repealing all laws or parts thereof in conflict with this act except Acts 1943, 48th Leg., p. 203, ch. 123, Acts 1943, 48th Leg., p. 5, ch. 6, Acts 1941, etc., and declaring an emergency."

S. B. No. 284, A bill to be entitled "An Act providing for the creation of Boards of Trustees for certain Junior College Districts; prescribing the manner of determining representation on said Board of Trustees from the several common or independent school districts, the territory of which has been, or may be, annexed thereto for Junior College purposes only;

providing the mode, manner and time of electing members of said Boards; enacting other provisions relating to the subject; repealing laws in conflict therewith to the extent of such conflict; providing a savings clause; and declaring an emergency."

S. B. No. 395, A bill to be entitled "An Act amending Chapter 25, Acts of the 39th Texas Legislature, Regular Session of 1925, as amended, being Chapter 3A of Title 128, Revised Civil Statutes of the State of Texas, by providing that districts operating thereunder may lease all or part of irrigation systems, may pay the rentals required by such leases solely from revenue received from the sale of water, authorizing such districts to enter into appropriate agreements and covenants to secure the payment of sums due under such leases, authorizing the appointment of a receiver for the leased properties in event of a default in any such lease, authorizing such districts to acquire property subject to existing mortgage or encumbrance and provide for the payment of the amounts due under such mortgage or encumbrance, providing for elections where such payment is to be made from tax or bond proceeds; and declaring an emergency."

S. B. No. 203, A bill to be entitled "An Act amending Article 723, Revised Civil Statutes, 1925, so as to provide that when there is a surplus remaining in the Sinking Fund after the principal and interest is fully paid on Court House and Jail Bond and Bridge or Road and Bridge Bond, it may be used by the county for the purpose of maintaining and repairing the court house and jail and roads and bridges of the county as may be determined by the Commissioners' Court; and declaring an emergency."

S. B. No. 128, A bill to be entitled "An Act to amend Section 1, House Bill No. 919, Chapter 50, passed at the Regular Session of the Forty-sixth Legislature, 1939, regulating the taking of minnows in Erath and Hood Counties for personal use, and declaring an emergency."

S. B. No. 231, A bill to be entitled "An Act amending Section 1 of Senate Bill 310, page 130, Chapter 90, General and Special Laws of the 49th Legislature, Regular Session, 1945, regulating the governing boards of Navigation Districts in this State;

providing that the provisions of the Act shall apply only to the Navigation Districts in this State having a city containing 375,000 population or more according to the last preceding or any future Federal Census; and declaring an emergency."

S. B. No. 292, A bill to be entitled "An Act to amend Section 1 of House Bill No. 109, Chapter 38, Acts Regular Session, 41st Legislature, 1929, providing for exchange of teachers by designated proper authorities in the State of Texas; and declaring an emergency."

S. B. No. 267, A bill to be entitled "An Act making it unlawful to kill or attempt to kill deer, or wild quail or trap or molest same in Duval County for a period of five (5) years; providing a penalty; repealing all conflicting laws; and declaring an emergency."

S. B. No. 244, A bill to be entitled "An Act fixing an open season for hunting, taking or killing quail in Kleberg and Kenedy Counties, and declaring an emergency."

S. B. No. 394, A bill to be entitled "An Act permitting the use of cast nets for taking minnows from the waters of McLennan County and Lake Waco in said county for bait; repealing all laws or parts thereof in conflict with this act; and declaring an emergency."

S. B. No. 400, A bill to be entitled "An Act declaring the sovereignty of Texas along its gulfward seacoast; fixing its present gulfward seacoast boundary and ownership; amending Section 1 of Senate Bill No. 30, Chapter 286 of the 47th Legislature; and declaring an emergency."

S. B. No. 399, A bill to be entitled "An Act amending Article II, Section 2 of Senate Bill 38, Acts of the Forty-ninth Legislature."

S. B. No. 109, A bill to be entitled "An Act to amend Chapter 40, Section 6, Acts 1929, 41st Legislature, 1st Called Session, same being Article 4860a-6, Vernon's Ann. Stats., so as to permit Mutual Insurance Companies organized or licensed to do business in Texas under the provisions of Chapter 40, Acts 1929, 41st Legislature, 1st Called Session, to write fidelity and surety bonds, providing for the amount of surplus such

companies shall possess and providing for deposit of securities in some manner as is required of stock companies doing a similar business, and declaring an emergency."

S. B. No. 70, Authorizing the people of Delta County, Texas, to proceed under the authority of Article IV, Section 3, of the County Home Rule Charter; providing that such a County Home Rule Charter shall be adopted by a majority vote of the qualified electors residing in Delta County, Texas; and declaring an emergency."

S. B. No. 259, A bill to be entitled "An Act regulating the taking of minnows in McLennan County; providing a penalty for violation of this act; repealing conflicting laws; and declaring an emergency."

S. B. No. 361, A bill to be entitled "An Act to create the Texas State Guard Reserve Corps from former members of the Texas Defense Guard, Texas State Guard, Texas National Guard and former members of the armed forces of the United States of America to be known as Article 5891C of the Revised Civil Statutes of Texas; to provide for an Advisory Board; retirement of personnel; removal of personnel; maintenance of records; defining active duty status; and empowering the Governor to prescribe rules and regulations not inconsistent with the provisions of this Act; repealing all laws in conflict; providing for a saving clause; and declaring an emergency."

S. B. No. 247, A bill to be entitled "An Act providing for the compensation of all county treasurers in all counties having a population of not less than 175,000 inhabitants and not more than 220,000 inhabitants according to the preceding Federal census, general or special; providing for the appointment and compensation of one assistant; and declaring an emergency." With amendments.

H. B. No. 166, A bill to be entitled "An Act to amend Section 5 of Chapter 3 of the General Laws of the Second Called Session, 43rd Legislature, 1933, as amended by Section 1, Chapter 21, 44th Legislature, 1935, to provide that license plates may be purchased and placed on vehicles beginning February 1st, in the event this date falls on Sunday they may be purchased beginning on February 2nd; providing a saving clause; and

repealing all laws in conflict herewith."

H. B. No. 254, A bill to be entitled "An Act to amend Section 49 of Chapter 4, Forty-sixth Legislature, 1939, by adding a new subsection to be known as Subsection (e), to provide a fee for assignment of motor numbers for motor vehicles and serial numbers for trailers or semi-trailers; providing for disposition of such fees; providing a saving clause; and repealing all laws or portions of laws in conflict herewith."

H. B. No. 285, A bill to be entitled "An Act amending Article 4141, Revised Civil Statutes of Texas as amended by the Acts of 1945, 49th Legislature, page 525, Chapter 316, Section 3; and declaring an emergency."

H. B. No. 326, A bill to be entitled "An Act providing workmen's compensation insurance for certain employees of the institutions and agencies under the direction or government of the Board of Directors of the Agricultural and Mechanical College of Texas; authorizing the said Board of Directors to require other employees to acquire protection under a group insurance plan; etc., and declaring an emergency."

H. B. No. 350, A bill to be entitled "An Act amending Article 6221 of the Revised Civil Statutes of 1925 as amended by the Legislature in 1929, and as further amended by the Legislature in 1931, and as further amended by Chapter 283, House Bill 167, Acts of the Regular Session of the 49th Legislature, increasing the pension of Confederate Veterans and widows of Confederate Veterans; and amending Article 6227, Revised Civil Statutes of Texas for 1925, as amended by Chapter 108, Acts of the Regular Session of the 48th Legislature, increasing the mortuary warrant issued for the expenses incurred during the last illness and the burial of Confederate pensioners; and declaring an emergency."

H. B. No. 356, A bill to be entitled "An Act to amend Section 1 of House Bill No. 109, Chapter 38, Acts Regular Session, 41st Legislature, 1929, providing for exchange of teachers by designated proper authorities in the State of Texas; and declaring an emergency."

H. B. No. 407, A bill to be entitled

"An Act authorizing the annexation of all or portions of any common or independent school district to any contiguous independent school district; prescribing the duties of the County Board of Trustees and the Board of Trustees of any district with reference thereto; providing for the calling of elections; for the assumption of outstanding indebtedness or an equitable portion thereof, and the adjustment of indebtedness; providing that the annexing District shall continue as it was prior to annexation, and all annexed territory shall become part thereof and subject to all taxes; providing that the Act shall not be exclusive but cumulative of other laws and that if any part be held unconstitutional the remainder shall not be affected; and declaring an emergency."

H. B. No. 420, A bill to be entitled "An Act to amend Chapter 101 of the Acts of the 42nd Legislature, as amended by the Acts of 1941, 47th Legislature, page 1346, Chapter 610, Section 1, and as further amended by the Acts of 1943, 48th Legislature, page 604, Chapter 349, Section 1, and as further amended by the Acts of 1943, 48th Legislature, page 602, Chapter 347, Section 1; and declaring an emergency."

H. B. No. 438, A bill to be entitled "An Act fixing the compensation of Justice of the Peace, in any county where the main unit of the Texas Prison System is located, repealing all laws in conflict herewith; and declaring an emergency."

H. B. No. 446, A bill to be entitled "An Act to amend Article 5490, Chapter 6, Title 90, and Article 6645, Chapter 3, Title 115, of the Revised Civil Statutes of the State of Texas by providing that chattel mortgages, deeds of trust and other instruments of writing intended to operate as a mortgage or lien upon railroad equipment and rolling stock, as well as written contracts for the condition sale, lease or hire of railroad equipment and rolling stock, shall be recorded in the office of the Secretary of State; repealing all laws conflicting herewith; and declaring an emergency."

H. B. No. 525, A bill to be entitled "An Act amending Article 1525d, Title 17 of Vernon's Annotated Penal Code, being Acts 1937, Forty-fifth

Legislature, page 875, Chapter 431, providing for branding animals infected with Bang's disease; etc., and declaring an emergency."

H. B. No. 548, A bill to be entitled "An Act to authorize Commissioners Courts to abandon lands donated to counties for county seats, court-houses and other county purposes, and abandoned and not used for such purposes for forty (40) years or more; to reconvey to the donors or to their successors in the title, all such abandoned lands; validating reconveyances of such lands heretofore made by Commissioners Courts; and declaring an emergency."

H. B. No. 565, A bill to be entitled "An Act to amend Article 1013, Revised Civil Statutes, 1925, so as to require only the publication of Penal Ordinances by descriptive caption or title in the official newspaper; and declaring an emergency."

H. B. No. 566, A bill to be entitled "An Act amending Chapter 10, Acts of 1939, 46th Legislature, by providing that all ordinances hereafter enacted by Home Rule cities in the State of Texas, organized and operating under the Home Rule Amendment to the Constitution of the State of Texas and the provisions of Title 28, Chapter 13 of the Revised Civil Statutes of 1925, may be published as provided in the Charters of such cities, and providing an alternative method of publication of ordinances where the Charter does not prescribe for publication or where the Charter does provide for a method of publication; providing this Act shall be cumulative of other laws; and declaring an emergency."

H. B. No. 582, A bill to be entitled "An Act to authorize districts created under the provisions of any section of Title 128, R. S. 1925, composed of less than the whole of the county and situated wholly within counties having a population of 500,000 or more according to the last preceding or any future Federal census to contract for auditing services, providing for the filing of audit reports, prescribing rules in regard to auditing of accounts, providing for the payment of the expenses thereof; and declaring an emergency."

H. B. No. 607, A bill to be entitled "An Act making it unlawful to carry

on, or over, or into the waters of Caddo Lake, its adjoining lakes and tributaries in Harrison and Marion Counties, Texas, any seine or net, except a cast net used for catching bait, etc., and setting the penalty and providing for the mode of proof."

H. B. No. 637, A bill to be entitled "An Act amending Article 2790, Revised Civil Statutes of Texas, 1925, providing additional elections in counties containing county-wide junior colleges; repealing all laws in conflict; and declaring an emergency."

H. B. No. 648, A bill to be entitled "An Act defining the jurisdiction of the County Court of Hill County and diminishing its civil and criminal jurisdiction; providing that the District Court of Hill County shall have jurisdiction in all civil and criminal matters over which by law the County Court would have original and appellate jurisdiction; providing for the transfer of civil and criminal causes from the County Court to the District Court of Hill County; providing the Act shall not affect judgments heretofore rendered by said County Court in causes now transferred to the District Court of said County, and providing for the repeal of all laws in conflict therewith; and declaring an emergency."

H. B. No. 677, A bill to be entitled "An Act transferring the control and management of the property owned by the State of Texas located on the west side of Red River Street between East Nineteenth and Eighteenth Streets being the East One-half ($\frac{1}{2}$) of Outlot No. Sixty-three (63) consisting of Lots Eight (8), Nine (9), Ten (10), Eleven (11), Twelve (12), Thirteen (13) and Fourteen (14) of Division 'E' of the City of Austin, Travis County, Texas, from the State Board of Control to the Board of Regents of the University of Texas; providing that such property shall be used for the purposes and activities of The University of Texas; and declaring an emergency."

H. B. No. 688, A bill to be entitled "An Act to amend Subsections D and E of Section 1, Acts 1941, 47th Legislature, page 196, Chapter 142, to authorize Commissioners' Courts to lease or sell airports to any person, firm or corporation; and declaring an emergency."

H. B. No. 712, A bill to be entitled

"An Act authorizing the payment of reasonable fees and charges to the University of Texas School of Medicine, the State Hospital for Crippled and Deformed Children, and the John Sealy Hospital at Galveston for hospitalization and professional services rendered by members of the staffs of said institutions in the care, diagnosis, and treatment of crippled children under the provisions of Chapter 216, Acts Regular Session, Forty-ninth Legislature, and in the hospitalization and care of patients from the Eleemosynary Institutions of the State under the direction of the State Board of Control, such payments to be based upon proper vouchers or claims to be submitted to and approved by the State Comptroller of Public Accounts and upon warrants issued by the Comptroller to be paid out of available funds of the Crippled Children's Division of the State Department of Health; providing that such payments shall be credited and deposited to the local institutional funds of the respective institutions entitled thereto; and declaring an emergency."

H. B. No. 775, A bill to be entitled "An Act conveying the title of the State of Texas to the Andrew Allison 160 acre Survey No. 149, Abstract No. 24, situated in Red River County, Texas, about 16½ miles North 15° West from Clarksville, Texas, and the Thomas S. Whitlock 160 acre Survey, Abstract No. 951, situated in Red River County, Texas, about 15 miles Northwest from Clarksville, Texas, and also the James W. Gamble 351 acre Survey, Abstract No. 359, about 13 miles North from Clarksville, all acquired by the State under Certain Tax Sales; and declaring an emergency."

H. B. No. 780, A bill to be entitled "An Act authorizing certain educational institutions heretofore created under Chapter 26, Acts of the Forty-ninth Legislature, Regular Session, 1945, to enter into and carry out certain agreements with any state university for Negroes established in this state; providing the prerequisites of any such agreement and the purposes and certain terms and conditions thereof; providing that any such agreement shall be previously approved by the respective governing boards of said institutions; pre-

scribing the form of the resolution of approval by said board and for the contents of said resolution and for its recording; relieving said junior college, university or combined junior college and university of any obligation or authority to conduct any educational enterprise or activity of which it has divested itself by said agreement but requiring said state university for Negroes to carry out its obligations assumed therein; repealing all special and general laws in conflict with the provisions of this Act to the extent of such conflict; providing a savings clause; and declaring an emergency."

H. B. No. 788, A bill to be entitled "An Act to validate the organization and creation of all school districts, including any independent school district controlled by a municipality and including common school districts, all county line school districts, including county line common school districts, county line independent school districts, county line consolidated common school districts, county line consolidated high school districts, and all other school districts, whether created by general or special law, or by vote of the people residing in any such district, or by the governing bodies of any such municipalities, or by county boards of trustees; etc., and declaring an emergency."

H. B. No. 818, A bill to be entitled "An Act validating unissued road bonds heretofore duly authorized by road districts or political subdivisions which embrace within their boundaries all or a portion of existing road districts having outstanding road bond indebtedness for which no compensation bonds have been authorized or issued; validating all proceedings in connection therewith; authorizing the Commissioners' Court to levy and collect taxes to pay the same, and to do all things necessary in the issuance of said bonds; etc., and declaring an emergency."

H. C. R. No. 28, Granting A. E. Hervey permission to sue the State.

H. C. R. No. 37, Granting S. J. Weber permission to bring suit against the State of Texas and/or the Highway Department of Texas.

H. C. R. No. 40, Granting K. C.

Jones, Sr., Lillie Jones and K. C. Jones, Jr., permission to sue the State.

H. C. R. No. 52, Granting M. H. Newman, permission to sue the State of Texas and/or State Highway Department of Texas.

H. C. R. No. 55, Authorizing Ed McDonald and wife to sue the State of Texas and the State Highway Department.

H. C. R. No. 64, Authorizing Earl M. Reeves to sue the State of Texas and the State Highway Department.

H. C. R. No. 72, Authorizing Mrs. John Bates to sue the State and the State Highway Department.

H. C. R. No. 113, Making certain corrections in Senate Bill No. 82.

H. C. R. No. 111, Granting each House permission to adjourn from Thursday, May 8, 1947, until Monday, May 12, 1947.

House Bills on First Reading

The following House bills received from the House today, were laid before the Senate, read first time, and referred to the committees indicated:

H. B. No. 427, to Committee on Counties and County Boundaries.

H. B. No. 804, to Committee on Civil Jurisprudence.

H. B. No. 92, to Committee on Towns and City Corporations.

H. B. No. 102, to Committee on Highways and Motor Traffic.

H. B. No. 133, to Committee on Towns and City Corporations.

H. B. No. 149, to Committee on Civil Jurisprudence.

H. B. No. 183, to Committee on Game and Fish.

H. B. No. 220, to Committee on Criminal Jurisprudence.

H. B. No. 230, to Committee on Counties and County Boundaries.

H. B. No. 269, to Committee on State Affairs.

H. B. No. 307, to Committee on Game and Fish.

H. B. No. 317, to Committee on Public Debts, Claims and Accounts.

H. B. No. 309, to Committee on Game and Fish.

H. B. No. 362, to Committee on Public Health.

H. B. No. 369, to Committee on Civil Jurisprudence.

H. B. No. 425, to Committee on Agriculture.

H. B. No. 495, to Committee on Public Health.

H. B. No. 520, to Committee on Education.

H. B. No. 532, to Committee on Criminal Jurisprudence.

H. B. No. 528, to Committee on Education.

H. B. No. 539, to Committee on Highways and Motor Traffic.

H. B. No. 557, to Committee on Public Debts, Claims and Accounts.

H. B. No. 560, to Committee on Criminal Jurisprudence.

H. B. No. 568, to Committee on State Affairs.

H. B. No. 591, to Committee on Civil Jurisprudence.

H. B. No. 592, to Committee on Civil Jurisprudence.

H. B. No. 604, to Committee on Finance.

H. B. No. 609, to Committee on Counties and County Boundaries.

H. B. No. 632, to Committee on Education.

H. B. No. 638, to Committee on Privileges and Elections.

H. B. No. 657, to Committee on Penitentiaries.

H. B. No. 658, to Committee on State Affairs.

H. B. No. 672, to Committee on Counties and County Boundaries.

H. B. No. 676, to Committee on Counties and County Boundaries.

H. B. No. 678, to Committee on Counties and County Boundaries.

H. B. No. 689, to Committee on Education.

H. B. No. 735, to Committee on Civil Jurisprudence.

H. B. No. 741, to Committee on State Affairs.

H. B. No. 754, to Committee on State Affairs.

H. B. No. 760, to Committee on Counties and County Boundaries.

H. B. No. 784, to Committee on Finance.

H. B. No. 791, to Committee on Public Lands and Land Office.

H. B. No. 795, to Committee on State Affairs.

H. B. No. 796, to Committee on Counties and County Boundaries.

H. B. No. 811, to Committee on Agriculture.

H. B. No. 814, to Committee on Education.

H. B. No. 823, to Committee on Game and Fish.

H. B. No. 816, to Committee on State Affairs.

H. B. No. 822, to Committee on Privileges and Elections.

H. B. No. 824, to Committee on Game and Fish.

H. B. No. 825, to Committee on Civil Jurisprudence.

H. B. No. 563, to Committee on Game and Fish.

H. B. No. 478, to Committee on Education.

. Message from the House

Hall of the House of Representatives,
Austin, Texas,
May 12, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House refused to concur in Senate Amendments to House Bill No. 295 and has requested the appointment of a conference committee to consider the differences between the two Houses.

The following have been appointed on the part of the House: Gilmer, Lock, Rampy, Calloway, Johnson.

The House has passed the following resolutions:

H. C. R. No. 118, Authorizing correction in House Bill No. 613.

H. C. R. No. 121, Giving the Enrolling Clerk of the House of Representatives permission to correct the caption of House Bill No. 736.

H. C. R. No. 122, Instructing the Enrolling Clerk of the House of Representatives to change House Bill No. 747.

H. C. R. No. 123, Instructing the Enrolling Clerk to correct House Bill No. 681.

The House has adopted the Conference Committee Report on Senate Bill No. 141 by a vote of 106 ayes, 8 noes, and 1 present, not voting.

The House has adopted the Conference Committee Report on Senate Bill No. 101 by a vote of 94 ayes, 20 noes.

The House has concurred in Senate amendments to House Bill No. 22 by a vote of 92 ayes and 22 noes.

Respectfully submitted,
CLARENCE JONES,
Chief Clerk, House of Representatives.

House Concurrent Resolution 117

The President pro tempore laid before the Senate for consideration at this time:

H. C. R. No. 117, Authorizing the Enrolling Clerk to make certain changes in House Bill No. 134.

The resolution was read and was adopted.

Senate Bill 239 on Passage to Engrossment

The President pro tempore laid before the Senate as pending business Senate Bill No. 239, relating to financial responsibility of drivers of motor vehicles, on its passage to engrossment.

Question—Shall the bill be passed to engrossment?

Senator Phillips offered the following amendment to the bill:

Amend Senate Bill No. 239 by adding a new section to be known as Sec. 32a providing as follows:

"Any person who shall misrepresent to any owner or operator of a

motor vehicle or vehicles that liability and/or property damage insurance is required by this Act as the result of which representation the sale of a contract of such insurance is effected shall upon conviction be fined not less than \$100.00 nor more than \$250.00, and upon conviction his license to write insurance shall be cancelled."

Senator Morris raised a point of order against consideration of the amendment on the ground that it is not germane in that it seeks to regulate the business of selling insurance while the pending bill deals with an entirely different subject.

The President pro tempore sustained the point of order.

Question recurring on the passage of the bill to engrossment, yeas and nays were demanded.

The bill was passed to engrossment by the following vote:

Yeas—15

Bullock	Morris
Carney	Ramsey
Cousins	Stanford
Hardeman	Strauss
Harris	Taylor
Kelly of Tarrant	Tynan
Lane	Weinert
Moffett	

Nays—8

Aikin	Knight
Chadick	Phillips
Crawford	Proffer
Jones	Winfield

Absent

Brown	Stewart
Hazlewood	Vick
Kelley of Hidalgo	York
Parrish	

Absent—Excused

Mauritz

Senate Bill 239 on Third Reading

Senator Morris moved that the constitutional rule requiring bills to be read on three several days be suspended and that Senate Bill No. 239 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—20

Aikin	Moffett
Bullock	Morris
Carney	Ramsey
Chadick	Stanford
Cousins	Stewart
Hardeman	Strauss
Harris	Taylor
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Weinert
Lane	Winfield

Nays—5

Crawford	Phillips
Jones	Proffer
Knight	

Absent

Brown	Vick
Hazlewood	York
Parrish	

Absent—Excused

Mauritz

The President pro tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—17

Bullock	Morris
Carney	Proffer
Cousins	Ramsey
Hardeman	Stanford
Harris	Stewart
Kelley of Hidalgo	Taylor
Kelly of Tarrant	Tynan
Lane	Weinert
Moffett	

Nays—8

Aikin	Knight
Chadick	Phillips
Crawford	Strauss
Jones	Winfield

Absent

Brown	Vick
Hazlewood	York
Parrish	

Absent—Excused

Mauritz

Senate Bill 357 With House Amendments

Senator Chadick called Senate Bill No. 357 from the President's table

for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Chadick moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

Yeas—24

Aikin	Moffett
Bullock	Morris
Carney	Phillips
Chadick	Proffer
Cousins	Ramsey
Crawford	Stanford
Hardeman	Stewart
Harris	Strauss
Hazlewood	Taylor
Jones	Tynan
Kelly of Tarrant	Weinert
Lane	Winfield

Present—Not Voting

Knight

Absent

Brown	Vick
Kelley of Hidalgo	York
Parrish	

Absent—Excused

Mauritz

**Committee Substitute
House Bill 246 on Second Reading**

On motion of Senator Taylor, and by unanimous consent, the Senate Rules requiring committee reports to lie over one day, and printed copies of a bill to lie on the members' desks twenty-four hours before consideration of the bill were severally suspended to take up for consideration at this time, on its second reading and passage to third reading:

C. S. H. B. No. 246, An Act fixing and determining a method of per capita appropriation for educational institutions of higher learning, and declaring the policy thereof; prescribing certain rules and regulations to be followed in determining said appropriations; requiring audits; making appropriations for the support, maintenance, buildings, and improvements of the several State institutions of higher learning for the two fiscal

years, beginning September 1, 1947, and ending August 31, 1949, both dates inclusive; and for certain other educational agencies of the State; prescribing certain restrictions concerning the expenditures of said appropriations; containing a savings clause; and declaring an emergency.

The bill was read second time and was passed to third reading.

(Senator Aikin the the Chair.)

**Committee Substitute
House Bill 246 on Third Reading**

Senator Taylor moved that the constitutional rule requiring bills to be read on three several days be suspended and that C. S. H. B. No. 246 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Lane
Brown	Moffett
Bullock	Morris
Carney	Parrish
Chadick	Phillips
Cousins	Proffer
Crawford	Ramsey
Hardeman	Stanford
Harris	Stewart
Hazlewood	Strauss
Jones	Taylor
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Weinert
Knight	Winfield

Absent

Vick	York
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Absent—Excused

Mauritz

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Senate Bill 406 on Third Reading

The Presiding Officer laid before the Senate on its third reading and final passage:

S. B. No. 406, A bill to be entitled "An Act amending Chapter 2, Revised Civil Statutes of Texas, by adding a new Article to be designated Article 2616, authorizing the Board of Directors of the Agricultural and Mechan-

ical College of Texas to establish an adjunct of the college in Kimble County, Texas, authorizing said Board to provide a program of teaching, research and experimental work, short courses and other work at said adjunct, designating said adjunct a part of the main campus of said college, and declaring an emergency."

The bill was read third time.

Senator York offered the following amendment to the bill:

Amend S. B. 406 by adding the following provision at the end of Sec. 1: "Provided, however, that no activities or courses of the College shall be engaged in or conducted at the said adjunct of the College in Kimble County except during the months of June, July, August and September of each year."

The amendment was adopted by the following vote:

Yeas—26

Aikin	Knight
Brown	Lane
Bullock	Moffett
Carney	Morris
Chadick	Phillips
Cousins	Stanford
Crawford	Stewart
Hardeman	Strauss
Harris	Taylor
Hazlewood	Tynan
Jones	Weinert
Kelley of Hidalgo	Winfield
Kelly of Tarrant	York

Nays—1

Proffer

Absent

Parrish Vick
Ramsey

Absent—Excused

Mauritz

The bill was passed by the following vote:

Yeas—24

Aikin	Harris
Brown	Hazlewood
Bullock	Jones
Carney	Knight
Chadick	Lane
Cousins	Moffett
Crawford	Morris
Hardeman	Phillips

Proffer
Stanford
Stewart
Strauss

Taylor
Tynan
Winfield
York

Nays—2

Kelly of Tarrant Weinert

Absent

Kelley of Hidalgo Ramsey
Parrish Vick

Absent—Excused

Mauritz

**Committee Substitute
Senate Joint Resolution 14 on Second
Reading**

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

C. S. S. J. R. No. 14, Proposing an amendment to Article V, Section 7 of the Constitution of the State of Texas to provide that the Judge of the District Courts shall conduct its proceedings at the county seat of the county in which the case is pending, except as otherwise provided by law; providing for election proclamation and submission to qualified electors of the State; and making an appropriation.

The resolution was read second time and was passed to engrossment.

**Committee Substitute
Senate Joint Resolution 14 on Third
Reading**

Senator Hazlewood moved that the constitutional rule requiring resolutions to be read on three several days be suspended and that S. J. R. No. 14 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Hazlewood
Brown	Jones
Bullock	Kelley of Hidalgo
Carney	Kelly of Tarrant
Chadick	Knight
Cousins	Lane
Crawford	Moffett
Hardeman	Morris
Harris	Parrish

Phillips	Tynan
Proffer	Vick
Stanford	Weinert
Stewart	Winfield
Strauss	York
Taylor	

Absent

Ramsey

Absent—Excused

Mauritz

The Presiding Officer then laid the resolution before the Senate on its third reading and final passage.

The resolution was read third time and was passed by the following vote:

Yeas—25

Brown	Parrish
Bullock	Phillips
Chadick	Proffer
Cousins	Stanford
Crawford	Stewart
Hardeman	Strauss
Harris	Taylor
Hazlewood	Tynan
Jones	Vick
Kelley of Hidalgo	Weinert
Kelly of Tarrant	Winfield
Lane	York
Morris	

Nays—2

Aikin	Knight
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Absent

Carney	Ramsey
Moffett	

Absent—Excused

Mauritz

Report of Conference Committee on S. B. No. 141

Senator Stewart submitted the following report:

May 8, 1947.

Hon. Allan Shivers, President of the Senate.

Hon. W. O. Reed, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House on S. B. No. 141, have met and beg leave to recommend that said S. B. No. 141 be passed in the form hereto attached.

Respectfully submitted,

STEWART
AIKIN
CARNEY
RAMSEY

On the Part of the Senate.

HEFLIN
SETERFITT
SUITER
FLY
JAMESON

On the Part of the House.

S. B. No. 141 By Stewart

A BILL

To Be Entitled

"An Act to amend Section 1 of Article XV, of House Bill No. 8, Acts of the 47th Legislature so as to provide that transfers or deliveries made pursuant to an order of the Federal Securities and Exchange Commission which specifies and itemizes the securities ordered by it to be delivered or transferred (provided that this exemption shall not apply to such transfers or deliveries made before the passage of this Act) and record transfers following such transfers or deliveries shall not be subject to the tax imposed and levied by said Section 1; and declaring an emergency." Be it Enacted by the Legislature of the State of Texas:

Section 1. Section 1 of Article XV of House Bill No. 8, Acts of the 47th Legislature, is hereby amended so as to read hereafter as follows:

"Section 1. There is hereby imposed and levied a tax as hereinafter provided on all sales, agreements to sell, or memoranda of sales, and all deliveries or transfers of shares, or certificates of stock, or certificates for rights to stock, or certificates of deposit representing an interest in or representing certificates made taxable under this section in any domestic or foreign association, company or corporation, or certificates of interest in any business conducted by trustee or trustees made after the effective date hereof, whether made upon or shown by the books of the association, company, corporation, or trustee, or by any assignment in blank or by any delivery of any papers or agreement or memorandum or other evidence of sale or transfer or order for or agreement to buy, whether intermediate or final, and whether investing the holder with the beneficial interest in or legal title to such stock or other certificate taxable hereunder, or with the possession or use thereof for any purpose, or to secure the future pay-

ment of money or the future transfer of any such stock, or certificate, on each hundred dollars of face value or fraction thereof, three (3) cents, except in cases where the shares or certificates are issued without designated monetary value, in which case the tax shall be at the rate of three (3) cents for each and every share. It shall be the duty of the person or persons making or effectuating the sale or transfer to procure, affix and cancel the stamps and pay the tax provided by this Article. It is not intended by this Article to impose a tax upon an agreement evidencing the deposit of certificates as collateral security for money loaned thereon, which certificates are not actually sold, nor upon such certificates so deposited, nor upon transfer of such certificates to the lender or to a nominee of the lender or from one nominee of the lender to another, provided the same continue to be held by such lender or nominee or nominees as collateral security as aforesaid, nor upon the retransfer of such certificate to the borrower, nor upon transfers of certificates from a fiduciary to a nominee of such fiduciary, or from one nominee of such fiduciary to another, provided the same continue to be held by such nominee or nominees for the same purpose for which they would be held if retained by such fiduciary, or from the nominee to such fiduciary, nor upon mere loans of stock or certificates, or the return thereof, nor upon deliveries or transfers to a broker for sale, nor upon deliveries or transfer by a broker to a customer for whom and upon whose order he has purchased the same, but transfers to the lender, or to a nominee or nominees as aforesaid, or retransfers to the borrower or fiduciary, and deliveries or transfers to a broker for sale, or by a broker to a customer for whom and upon whose order he has purchased the same shall be accompanied by a certificate setting forth the facts, nor upon transfers or deliveries made pursuant to an order of the Federal Securities and Exchange Commission which specifies and itemizes the securities ordered by it to be delivered or transferred (provided that this exemption shall not apply to such transfers or deliveries made before the passage of this Act); nor upon record transfers following such transfers or deliveries, nor in respect to shares or certificates of stock or certificates of rights to

stocks, or certificates of deposit representing certificates of the character taxed by this Article, in any domestic association, company, or corporation, if neither the sale, nor the order for, nor agreement to buy, nor the agreement to sell, nor the memorandum of sale, nor the delivery is made in this state and when no act necessary to effect the sale or transfer is done in this state. The payment of such tax shall be denoted by an adhesive stamp or stamps affixed as follows: In the case of a sale or transfer, where the evidence of the transaction is shown only by the books of the association, company, corporation, or trustee, the stamp shall be placed upon such books, and it shall be the duty of the person making or effectuating such sale or transfer to procure and furnish to the association, company, corporation, or trustee the requisite stamps, and of such association, company, corporation, or trustee to affix and cancel the same. Where the transaction is effected by the delivery or transfer of a certificate the stamp shall be placed upon the surrendered certificate and canceled; and in cases of an agreement to sell, or where the sale is effected by delivery of the certificate assigned in blank, there shall be made and delivered by the seller to the buyer, a bill or memorandum of such sale, to which the stamp provided for by this Article shall be affixed and canceled; provided, however, that such bill or memorandum may be made in duplicate and the stamp provided for by this Article may be affixed to a duplicate of such bill or memorandum and canceled, and such duplicate of such bill or memorandum may be kept by the party making such sale in his possession, provided that he shall enter upon the original of such bill or memorandum a date and number showing that such bill or memorandum was made in duplicate and that the stamp was affixed to the duplicate thereof retained by the seller. Every such bill or memorandum of sale or agreement to sell shall show the date of the transaction which it evidences, the name of the seller, the stock, or other certificate, to which it relates, and the number of shares thereof. All such bills or memoranda of sale shall bear a number upon the face thereof and no more than one such bill or memorandum of sale made by the seller on any given day shall bear the same number. The aforesaid

identification number of the bill or memorandum of sale shall in all cases be entered and recorded in a book of account."

Sec. 2. The fact that transfers and deliveries of certificates of stock and securities pursuant to orders of the Federal Securities and Exchange Commission which specify and itemize the securities ordered to be delivered or transferred are exempted from the Federal stock transfer tax and from similar taxes levied by other states, and the taxing of such transfers of securities of Texas corporations places them upon an inequality with corporations chartered under the laws of other states, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and said Rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

The report was read and was adopted by the following vote:

Yeas—25

Aikin	Parrish
Brown	Phillips
Bullock	Proffer
Chadick	Ramsey
Cousins	Stanford
Hardeman	Stewart
Harris	Strauss
Jones	Taylor
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick
Knight	Weinert
Lane	Winfield
Morris	

Absent

Carney	Moffett
Crawford	York
Hazlewood	

Absent—Excused

Mauritz

(President pro tempore in the Chair.)

House Bill 584 on Second Reading

On motion of Senator Cousins, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 584, A bill to be entitled

"An Act amending Acts 1939, Forty-sixth Legislature, page 605, Section 1, in all counties having a population of more than 140,000 inhabitants and less than 338,000 inhabitants according to the present Federal census, General or Special, providing for the compensation of County Purchasing Agents and their assistant; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 584 on Third Reading

Senator Cousins moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 584 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Moffett
Brown	Morris
Bullock	Parrish
Carney	Phillips
Chadick	Proffer
Cousins	Ramsey
Crawford	Stanford
Hardeman	Stewart
Harris	Strauss
Hazlewood	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Weinert
Knight	Winfield
Lane	York

Absent—Excused

Mauritz

The President pro tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—25

Aikin	Morris
Brown	Parrish
Bullock	Phillips
Carney	Ramsey
Chadick	Stanford
Cousins	Stewart
Crawford	Strauss
Hardeman	Taylor
Jones	Tynan
Kelly of Tarrant	Vick
Knight	Weinert
Lane	York
Moffett	

Nays—1

Winfield

Absent

Harris	Kelley of Hidalgo
Hazlewood	Proffer

Absent—Excused

Mauritz

House Joint Resolution 24 on Second Reading

On motion of Senator Morris, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. J. R. No. 24, Proposing an amendment to Section 1-a of Article VIII of the Constitution of Texas forbidding any ad valorem tax levy upon any property within this State for State purposes, with certain provisos.

The resolution was read second time.

Senator Aikin offered the following amendment to the resolution:

Amend H. J. R. 24 by adding the following after the word "State" in line 45, page 1:

"Provided the revenue derived therefrom shall be used for construction and maintenance of Farm to Market Roads or for Flood Control."

The amendment was adopted.

Senator Strauss offered the following amendment to the resolution:

Amend H. J. R. No. 24 by striking out the words and figures "1951" and substituting the words and figures "1949" wherever they appear in the bill.

The amendment was lost.

Senator Moffett offered the following amendment to the resolution:

Amend H. J. R. No. 24 by striking out the words and figures "thirty-five cents (35c)" and inserting in lieu thereof the words and figures "thirty cents (30c)."

Yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—21

Aikin	Morris
Brown	Phillips
Carney	Stanford
Chadick	Stewart
Hardeman	Strauss
Harris	Taylor
Jones	Tynan
Kelley of Tarrant	Weinert
Knight	Winfield
Lane	York
Moffett	

Nays—6

Bullock	Proffer
Kelley of Hidalgo	Ramsey
Parrish	Vick

Absent

Cousins	Hazlewood
Crawford	

Absent—Excused

Mauritz

On motion of Senator Morris, and by unanimous consent, the caption was amended to conform with the body of the bill as amended.

Question recurring on the passage of the resolution to third reading, yeas and nays were demanded.

The resolution was passed to third reading by the following vote:

Yeas—25

Aikin	Parrish
Brown	Phillips
Bullock	Proffer
Carney	Ramsey
Chadick	Stanford
Hardeman	Stewart
Harris	Strauss
Jones	Taylor
Kelley of Hidalgo	Tynan
Kelley of Tarrant	Vick
Lane	Weinert
Moffett	Winfield
Morris	

Nays—1

York

Absent

Cousins	Hazlewood
Crawford	Knight

Absent—Excused

Mauritz

House Joint Resolution 24 on Third Reading

Senator Morris moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. J. R. No. 24 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Moffett
Brown	Morris
Bullock	Parrish
Carney	Phillips
Chadick	Proffer
Cousins	Ramsey
Crawford	Stanford
Hardeman	Stewart
Harris	Strauss
Hazlewood	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Winfield
Knight	York
Lane	

Absent

Weinert

Absent—Excused

Mauritz

The President pro tempore then laid the resolution before the Senate on its third reading and final passage.

The resolution was read third time and was passed by the following vote:

Yeas—28

Aikin	Morris
Brown	Parrish
Bullock	Phillips
Carney	Proffer
Chadick	Ramsey
Hardeman	Stanford
Harris	Stewart
Hazlewood	Strauss
Jones	Taylor
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick
Knight	Weinert
Lane	Winfield
Moffett	York

Absent

Cousins Crawford

Absent—Excused

Mauritz

Reports of Standing Committees

By unanimous consent, the following reports were submitted at this time:

Austin, Texas,
May 12, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred House Bill 678, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

JONES, Chairman.

Austin, Texas,
May 12, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred House Bill No. 804, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CARNEY, Chairman.

Austin, Texas,
May 12, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred House Bill No. 823, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

CARNEY, Chairman.

Austin, Texas,
May 12, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred House Bill No. 735, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

CARNEY, Chairman.

Austin, Texas,
May 12, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Public Debts, Claims and Accounts, to whom was referred House Bill No.

317, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

CHADICK, Chairman.

Austin, Texas,
May 12, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred Senate Bill 404, have had the same under consideration, and report it back to the Senate with the recommendation that it do pass and be not printed.

TAYLOR, Chairman.

House Bill 168 on Second Reading

On motion of Senator Parrish, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 168, A bill to be entitled "An Act to carry into effect Section 62a of Article 16 of the Constitution; to provide a Retirement System for aged and incapacitated State employees; to provide for a Board of Trustees of said System and for the administration of its affairs; to determine membership and conditions of membership in said System; to provide for officers and a Medical Board and to define their duties; to provide for the adoption of actuarially-made mortality, service and other tables as may be deemed necessary; to provide for the creation, management and distribution of the Employees Saving Fund, the State Membership Accumulation Fund, the Membership Annuity Reserve Fund, the Interest Fund, the Permanent Retirement Fund, the Prior Service Annuity Reserve Fund and the Expense Fund; and to provide a method of financing said System."

The bill was read second time.

Senator Parrish offered the following amendment to the bill:

Amend House Bill No. 168 by striking out all below the enacting clause and inserting in lieu thereof the following:

Section 1. Declaration of Purpose.

It being evident that any actuari-

ally sound and workable Retirement System for aged and incapacitated State employees capable of providing competent benefits from the limited contributions authorized by the amendment to the State Constitution, will necessarily require long tenure of service approximating twenty years or more for the average beneficiary, and it being likewise manifest that under existing laws any such system will discriminate against large numbers of employees whose tenure of employment is contingent upon the continuance in office of various elective and appointive State officers while insuring principally to the benefit of employees holding secured positions under commissions and boards governed by alternating six-year term appointees, and positions established and maintained on a permanent basis by virtue of merit system principles authorized or required by existing State and Federal laws or regulations, and it being further manifest that the preserving of such impermanency in State positions after such retirement system is enacted into law, will create an inequitable and untenable status in State employee personnel in which employees in such impermanent positions will, as a prerequisite to participation in retirement benefits now authorized by the State Constitution, be required to contribute monthly from their salaries to a system, the benefits of which will be highly speculative and doubtful of materialization, it is therefore declared to be the purpose of this Act to remove or reduce the existing inequities described herein, by establishing the employees retirement system authorized by Section 62 (a), Article 16 of the State Constitution, in conjunction with and as a necessary correlative part of a personnel department to be herein-after created and empowered to classify all positions in State service upon a basis of similarity of duties performed and responsibilities assumed, and empowered to promulgate rules and regulations designed to provide and maintain equal and uniform status and tenure in such classified positions in order that the benefits of the said Employees Retirement System shall be made accessible to all employees equally and alike.

Section 2. Definitions.

The following words, terms and phrases as used in this Act, unless a

different meaning is plainly required by the context, shall have the following meanings:

(a) "Retirement System" shall mean the Employees Retirement System of Texas as hereinafter defined.

(b) "Department" shall mean any department, commission, institution, or agency of the State Government now existing or hereafter created.

(c) "Employee" shall mean any regularly appointed officer or employee in a department of the State who is employed on a basis or in a position normally requiring not less than 900 hours per year, but shall not include members of the State Legislature or any incumbent of an office normally filled by vote of the people; nor persons on piecework basis; nor operators of equipment or drivers of teams whose wages are included in rental rate paid the owners of said equipment or team; nor any person who is covered by the Teacher Retirement System of the State of Texas or any retirement system supported with State funds other than the Texas Employees Retirement System.

(d) "Member" shall mean any employee included in the membership of the System as provided in Section 7 of this Act.

(e) "Beneficiary" shall mean any person in receipt of a pension, annuity, a retirement allowance, or other benefits as provided by this Act.

(f) "Service" shall mean service as an employee, as the term "employee" is hereinabove defined.

(g) "Personnel Department" shall mean the State Personnel Department created and established by Section 3 of this Act.

(h) "Board" shall mean the "Personnel Board" hereinafter established as an administrative board of the Personnel Department and empowered to administer the Retirement System as trustees thereof.

(i) "Director" shall mean the Director of Personnel established herein as administrative director of the Personnel Department and to serve as Executive Secretary of the Personnel Board in the administration of the Retirement System.

(j) "Prior Service" shall mean service rendered prior to the date of establishment of the Retirement System, for which credit is allowable under Section 9 of this Act.

(k) "Membership Service" shall mean service as an officer or employee

rendered while a member of the Retirement System.

(l) "Creditable Service" shall mean "Prior Service" plus "Membership Service" for which credit is allowable, as provided in Section 9 of this Act.

(m) "Regular Interest" shall mean interest at the rate of three and one-half (3½) per centum per annum, compounded annually.

(n) "Current Interest" shall mean interest at a rate per centum per annum ascertained each year by dividing (1) the amount in the Interest Fund on August 31 of such year before the transfer of interest to other funds, less an amount equal to three and one-half (3½) per centum of the sum of the mean amount in the Membership Annuity Reserve Fund during such year, and the mean amount in the Prior Service Annuity Reserve Fund during such year, and less an amount as may be set annually by the Personnel Board to cover additional cost, if any, of administering the System by (2) an amount equal to the amount in the State Membership Accumulation Fund at the beginning of such year plus the amount in the Permanent Retirement Fund at the beginning of such year and plus the sum of the accumulated contributions in the Employees Saving Fund at the beginning of such year to the credit of all members included in the membership of the System on August 31 of such year, before any transfers for Service Retirement effective August 31 of such year are made, it being provided that the above division shall be carried to only three (3) decimal places and shall never be taken as greater than three and one-half (3½) per cent.

(o) "Accumulated Contributions" shall mean the sum of all the amounts deducted from the compensation of a member, and credited to his individual account in the Employees Saving Fund, together with all current interest credits thereto, as provided in Section 12 of this Act.

(p) "Earnable Compensation" shall mean the full rate of the compensation that would be payable to an employee if he worked the full normal working time. In cases where compensation includes maintenance, the Personnel Board shall fix the value of that part of the compensation not paid in money.

(q) "Average Prior Service Compensation" shall mean the average annual compensation of an employee during the ten (10) years immediately preceding the enactment of this law,

or if he had less than ten (10) years of such service, then his average compensation shall be computed for his total years of such prior service, but in computing the average, no salary for any one year shall be more than Three Thousand Six Hundred Dollars (\$3,600).

(r) "Membership Annuity" shall mean payments for life actuarially determined and derived from reserve funds contributed by a member and an equal amount of reserve funds contributed by the State. All membership annuities shall be payable in equal monthly installments.

(s) "Prior Service Annuity" shall mean payment each year for life of one and one-quarter (1¼) per centum of a member's average prior service compensation, as defined in this Act, multiplied by the number of years of Texas service in his prior service certificate; provided that the maximum number of years of prior service to be allowed shall be thirty-six (36) years, and in computing his average prior service compensation, the maximum prior service salary in any one year shall be Three Thousand Six Hundred Dollars (\$3,600). All prior service annuities shall be payable in equal monthly installments.

(t) "Service Retirement Allowance" shall mean a membership annuity and a prior service annuity, or any optional benefits payable in lieu thereof.

(u) "Disability Retirement Allowance" shall mean a membership annuity and a prior service annuity.

(v) "Retirement" shall mean withdrawal from service with a retirement allowance granted under the provisions of this Act.

(w) "Service Retirement" shall mean the retirement of a member from service with a service retirement allowance at any time after ten (10) years of creditable service in Texas and after attaining sixty (60) years of age, or after thirty (30) years service in Texas regardless of age.

(x) "Disability Retirement" shall mean withdrawal from service on a disability allowance any time after ten (10) years of creditable service in Texas and before attaining sixty (60) years of age.

(y) "Membership Annuity Reserve" shall mean the present value computed upon the basis of such annuity or mortality tables as shall be adopted by the Personnel Board with

regular interest, of all payments to be made on account of membership annuity or benefit in lieu thereof, granted to a member under the provisions of this Act.

(z) "Actuarial Equivalent" shall mean a benefit of equal value when computed upon a basis of such mortality tables as shall be adopted by the Personnel Board and regular interest.

Section 3. State Personnel Department.

(a) There is hereby created and established in the State government a Personnel Department, the purpose of which shall be to establish and maintain uniform status and tenure of service in State employee personnel and to insure uniform and equal distribution of the employees retirement benefits to all classes of State employees.

(b) In the Department shall be a State Council of Employers composed of elective and appointive executive and administrative officers of the State and a Personnel Board and a Director of Personnel to be established and appointed by said Council as hereinafter provided.

Section 4. Council of Employers.

(a) The Council of Employers, hereinafter referred to as the Council, shall be composed of duly qualified and acting State officers as follows: The elective officers shall be the Attorney General, the Commissioner of the General Land Office, the Comptroller of Public Accounts, the Treasurer, the Commissioner of Agriculture, the Superintendent of Public Instruction and the Chairman of the Railroad Commission and the appointive officers shall be designated and appointed by the Governor within thirty days after the enactment of this Act, from one member each of the Board of Control, the Highway Commission, the Department of Public Safety, the Board of Insurance Commissioners, and the Liquor Control Board. Such elective and appointive officers shall serve on the Council in ex-officio capacities without pay but shall be entitled to reimbursement for travel and other expenditures necessitated by their official duties for the Council. The officers named shall, except as otherwise specified, serve on the Council during their continuance in the office to which they have been duly elected or duly appointed, except the Chair-

man of the Railroad Commission who shall serve during his tenure as Chairman of said Railroad Commission and shall be replaced by each succeeding Railroad Commission Chairman. The Governor may, however, replace any appointive officer on the Council with another member of the Board, Commission or Department upon which such appointive officer is serving, and he shall fill vacancies occurring among the appointive officers on the Council in the same manner.

(b) The Council shall, within thirty (30) days after the effective date of this Act or as soon thereafter as the Governor has completed his appointments on the Council, meet and elect one of its members as Chairman to serve for such time as the Council may prescribe. The Council shall prescribe its own rules of procedure and shall thereafter meet at such time and place as shall be specified by such rules or by call of the Chairman. Two-thirds of its members shall constitute a quorum and unless specified otherwise herein, all business transactions shall be approved by a majority vote of the members in attendance.

Section 5. Appointment of Board and Director.

(a) The Council shall as soon as practicable after its organization has been effected, select and appoint a Personnel Board, hereinafter referred to as the "Board", and a Director of Personnel. The Board shall be composed of three (3) members and shall be selected as follows: One (1) member who shall be appointed with the advice and consent of two-thirds of the Senate and who shall represent the public interest on the Board, shall be a person who shall have been a resident citizen of the State of Texas for at least five (5) years preceding the date of appointment, and shall not have been during the preceding five (5) years an occupant or an employee of any State office; one (1) member shall be an employer or supervisor of personnel and shall be selected either from the membership of the Council or from the heads of any other State department or from a member of any other board or commission appointed by the Governor; and (1) member shall be selected from the classified service provided herein in the following manner: Each department or agency of the State in which fifty or more persons are

regularly employed on a full time basis shall, under rules of procedure to be adopted by the employees thereof, nominate one employee from which said group of nominees the Council shall select the employee-member of the Board, or if the names of no nominees are submitted within the time prescribed by the Council for filling such appointment or for filling vacancies that may occur thereafter, then said employee-member of the Board shall be selected in such manner as the Council may direct. The Council shall designate one member of the Board to serve as Chairman for such time as the Council may by its rules prescribe.

The Director of Personnel shall have been a resident citizen of Texas for at least ten (10) years preceding the date of appointment and shall be a person with executive ability and experienced in the field of personnel administration. He shall be selected by a majority vote of all members of the Council. The selection and appointment of the Director may in the discretion of the Council be restricted to persons who have qualified for such position by passing a competitive examination conducted by a competent examining Committee selected by the Council for such purpose and his appointment shall be with the advice and consent of two-thirds of the Senate. The salary of the Director shall be paid monthly from the fund hereinafter appropriated from the General Fund of the State and until otherwise fixed by a General Appropriation Bill shall be in an amount equal to the salary paid the Executive Secretary-Director of the Teachers Retirement System of Texas.

(b) The members of the Board shall serve at the pleasure of the Council and shall be appointed for such terms of office as the Council may decree by majority vote of its members. Any member of the Board or the Director of Personnel may be removed for cause by a majority vote of all members of the Council.

(c) The members of the Board selected from the employer and employee classifications, respectively, shall serve without pay. The member of said Board who is not serving in any other capacity in State Government shall be paid Twenty-Five Dollars (\$25.00) for each day devoted to the work of the Board but not more than Two Hundred and Fifty

Dollars (\$250.00) in any one month nor more than Twenty-four Hundred Dollars (\$2400.00) in any one year. All members shall be entitled to reimbursement for traveling and other official expenditures necessitated by their official duties as members of the Board. The head of the Department in which the employee-member of the Board is employed shall excuse said employee from his regular duties for the time required for his work with the Board.

(d) The Board shall meet at such time and place as shall be specified by call of the Chairman or the Director. At least one meeting shall be held in each month. Two members shall constitute a quorum for the transaction of business.

(e) In addition to the duties set forth elsewhere in this law, the members of the Personnel Board shall serve as trustees of the Employees Retirement System created and established herein and said Board shall administer and be responsible for the proper operation of the Retirement System and for carrying out the provisions of the Act applicable to said System.

Section 6. Retirement System. Title.

A Retirement System is hereby established and placed under the management of the Personnel Board created hereinabove, for the purpose of providing retirement allowances and other benefits under the provisions of this Act for appointed officers and employees as defined herein. The Retirement System, so created, shall be established as of September 1, 1947.

It shall have the power and privilege of a corporation and shall be known as the "Employees Retirement System of Texas", and by such name all of its business shall be transacted, all its funds invested, and all of its cash and securities and other property held.

Section 7. Membership of Retirement System.

The membership of said Retirement System shall be composed as follows:

(a) All persons who are employees on the date as of which the Retirement System is established shall become members as of that date as a condition of their employment unless within a period of ninety (90) days after September 1, 1947, any such

employee shall file with the Personnel Board on a form prescribed by such Board, a notice of his election not to be covered in the membership of the System and a duly executed waiver of all present and prospective benefits which would otherwise inure to him on account of his participation in the Retirement System. The following persons shall, however, not be eligible for participation in the Retirement System.

1. Members of the State Legislature or any incumbent of an office normally filled by a vote of the people, nor any person who is covered by the Teachers Retirement System or any retirement system supported with State funds other than the Texas Employees Retirement System.

2. Persons employed on a piece-work basis or operators of equipment or drivers of teams whose wages are included in the rental rate paid the owners of said equipment or team.

3. Employees who are employed less than 900 hours per year.

(b) Any person who becomes an employee on or after the date of establishment of the System shall, upon the completion of nine (9) months of continuous service uninterrupted by a break of more than one month, become a member of the System as a condition of employment, provided said person is less than sixty (60) years of age at the time of completion of said nine (9) months of service. Contribution by such employee under this Act shall begin with the first payroll period after said nine (9) months service shall have been completed and creditable service shall then begin to accrue. Any such employee on becoming a member of the System, after service of said nine (9) months, may elect to personally make a lump sum contribution directly to the System for the said nine (9) months of service rendered prior to membership, under rules and regulations established by the Personnel Board, and membership service shall then be granted for the said period, provided said contribution shall be made within a period of three (3) months from date said employee became a member of the System.

(c) If any member having less than twenty (20) years of creditable service should, in any period of six (6) consecutive years after becoming a member, be absent from service more than sixty (60) consecutive months

he would, thereupon, cease to be a member, or should he withdraw his accumulated contributions, or should he become a beneficiary, or upon death, he shall thereupon cease to be a member. However, during the time the United States is in a state of war and for a period of twelve (12) months thereafter, time spent by a member of the Employees Retirement System in the Armed Forces of the United States of America and their auxiliaries or in the Armed Forces Reserve of the United States of America and their auxiliaries or in the service of the American Red Cross as a result of having volunteered or having been drafted or conscripted therinto, or in war work as a direct result of having been drafted or conscripted into said war work, shall not be construed as absent from service insofar as the provisions of this Act are concerned, but shall count towards membership service.

(d) Any employee who elects not to become a member of the Retirement System as herein provided as of September 1, 1947, and the ninety (90) days next following, may make application thereafter and be entitled to membership but without claim for prior service credit.

(e) Anyone who has been employed in the State of Texas in accordance with the terms of this Act, but who is not in service at the time in which the Act becomes effective, shall, if he becomes an employee within two (2) years of the date on which this Act becomes effective, and if he continues as such for a period of five (5) consecutive years, be entitled to receive credit and resulting benefits for prior service as provided for in this Act.

(f) Any member may withdraw from the service prior to the attainment of sixty (60) years who shall have completed at least twenty (20) years of service and shall be eligible for a service retirement allowance upon attainment of the age of sixty (60) or later at his option.

Section 8. Creditable Service.

(a) Under such rules and regulations as the Personnel Board shall adopt each person who was employed, as defined in this Act, at any time prior to the establishment of the System, and who becomes a member within two years after establishment of the Retirement System and continues as such for a period of five

(5) consecutive years, or who was a member at the beginning of the System, shall file a detailed statement of all Texas service, as an employee, rendered by him prior to the date of establishment of the Retirement System for which he claims credit.

(b) The Personnel Board shall fix and determine by appropriate rules and regulations how much service in any year is equivalent to one year of service, but in no case shall more than one year of service be creditable for all service in one year.

(c) Subject to the above restrictions and to such other rules and regulations as the Personnel Board may adopt, the Board shall verify and adjust, as soon as practicable after the filing of such statements of service, the service therein claimed.

(d) Upon adjustment and verification of the statements of service, the Personnel Board shall issue prior service certificates certifying to each member the length of Texas service rendered prior to the date of the establishment of the Retirement System, with which he is credited on the basis of his statement of service. So long as membership continues a prior service certificate shall be final and conclusive for retirement purposes as to such service, provided, however, that any member may, within one (1) year from the date of issuance or modification of such certificate, request the Personnel Board to modify or correct his prior service certificate. When membership ceases, such prior service certificate shall become void. Should the employee again become a member, such person shall enter the System as a member not entitled to prior service credit except as provided in Section 9, Subsection (e), Part 2, of this Act.

(e) Creditable service at retirement on which the retirement allowance of a member shall be based shall consist of the membership service rendered by him since he last became a member, and also, if he has a prior service certificate which is in full force and effect, the amount of the service credited on his prior service certificate. No member shall be entitled to a retirement allowance until he has accumulated ten (10) or more years of creditable service in Texas.

Section 9. Benefits.

(a) Service Retirement Benefits.

Any member may retire upon written application to the Personnel

Board, setting forth at what time, not less than thirty (30) days or more than ninety (90) days subsequent to the execution of and filing thereof, he desires to be retired, provided that retirement will be effective only as of the last day of a calendar month, and provided that the said member at the time so specified for his retirement shall have attained the age of sixty (60) years and shall have completed ten (10) or more years of creditable service. Any member in service who has attained the age of sixty-five (65) years may in the discretion of his employer be retired forthwith, provided that with the approval of his employer he may remain in State service as long as he is capable of serving the State efficiently in any position in which he is employed, but upon attaining the age of seventy (70) years every employee and appointive officer of the State shall cease to be a participating member of the Retirement System and shall become ineligible to receive any benefits from the System except such benefits to which he would have been lawfully entitled if he had retired at the age of seventy (70) years. Provided however, no person shall ever become eligible for a service retirement allowance until he has actually retired from State service.

Any member who shall have completed at least twenty (20) years of creditable service who shall withdraw from service or cease to be an employee, shall become entitled to a service retirement allowance upon his attainment of the age of sixty (60) years, or at his option, at any date subsequent to his attainment of said age provided that such member was then living and had not withdrawn his contributions.

Any member who shall have completed at least thirty (30) years of creditable service who shall withdraw from service or cease to be an employee, shall become entitled to a service retirement allowance immediately regardless of attained age.

(b) Allowance for Service Retirement.

Upon retirement for service a member shall receive a service retirement allowance consisting of a membership annuity, which shall be the actuarial equivalent of his membership annuity reserve, and a prior service annuity to which his creditable service and membership in the

Retirement System entitles him under the provisions of this Act.

1. His membership annuity reserve shall be derived from:

His accumulated contributions credited to his account in the Employees Saving Fund at the time of retirement; and

An additional sum from the State Accumulation Fund equal to the accumulated contributions provided by the member.

2. If he has a prior service certificate in full force and effect, the prior service annuity shall be one and one-quarter (1 $\frac{1}{4}$) per centum of his average prior service compensation, as defined in this Act, multiplied by the number of years of Texas service certified in his prior service certificate; provided that the maximum number of years of prior service to be allowed shall be thirty-six (36) years and that in computing his average prior service compensation, the maximum prior service salary for any one year shall be Three Thousand Six Hundred Dollars (\$3,600). In computing the average prior service compensation for employees who served in the Armed Forces on leaves of absence from the State and subsequently became members of the System, that time spent in the Armed Forces shall be counted as part of the ten (10) years immediately preceding the enactment of the law and the basis for compensation shall be the same that was earned at commencement of his leave of absence from the state.

(c) Disability Retirement Benefits.

Upon the application of a member or his employer or his legal representative acting in his behalf, any member who has had ten (10) or more years of creditable service may be retired by the Personnel Board, not less than thirty (30) and not more than ninety (90) days next following the date of filing such application, on a disability retirement allowance, provided that the Medical Board, after a medical examination of such member, shall certify that such member is mentally or physically incapacitated for the further performance of duty, that such incapacity is likely to be permanent, and that such member should be retired.

(d) Allowance on Disability Retirement.

Upon retirement for disability a member shall receive a service retirement allowance if he has attained

the age of sixty (60) years; otherwise, he shall receive a disability retirement allowance consisting of a membership annuity which shall be the actuarial equivalent of his membership annuity reserve, and a prior service annuity to which his creditable service and membership in the Retirement System entitles him under the provisions of this Act.

His membership annuity reserve shall be derived from:

1. His accumulated contributions credited to his account in the Employees Savings Fund at the time of retirement; and

2. An additional sum from the State Membership Accumulation Fund equal to the accumulated contributions provided by the member.

If he has a prior service certificate in full force and effect he shall receive a prior service annuity equal to the prior service annuity provided in Part 2, Subsection (b), Section 9, of this Act.

(e) Beneficiaries Retired on Account of Disability.

Once each year during the first five (5) years following retirement of a member on a disability retirement allowance, and once in every three-year period thereafter, the Personnel Board may, and upon his application shall, require any disability beneficiary who has not yet attained the age of sixty (60) years to undergo a medical examination, such examination to be made at the place of residence of said beneficiary or any other place mutually agreed upon, by a physician or physicians designated by the Personnel Board. Should any disability beneficiary who has not yet attained the age of sixty (60) years refuse to submit to at least one medical examination in any such periods by a physician or physicians designated by the Personnel Board, his allowance shall be discontinued until his withdrawal of such refusal, and should his refusal continue for one year, all his rights in and to his allowance shall be revoked by the Personnel Board.

1. Should the Medical Board report and certify to the Personnel Board that such disability beneficiary is no longer physically or mentally incapacitated for the performance of duty, or that such disability beneficiary is engaged in or is able to engage in gainful occupation, and should the Personnel Board by a majority vote concur in such report, then the amount

of his allowance shall be discontinued or reduced to an amount by which the amount of the last year's salary of the beneficiary, as an employee, exceeds his present earning capacity. Should his earning capacity be later changed, the amount of his allowance may be further modified; provided that the revised allowance shall not exceed the amount of the allowance originally granted, nor shall it exceed an amount which, when added to the amount earnable by the beneficiary, equals the amount of his compensation for the last year prior to retirement.

2. Should a disability beneficiary under the age of sixty (60) years be restored to active service, his retirement allowance shall cease, he shall again become a member of the Retirement System, and any reserve on his membership annuity at that time in the Membership Annuity Reserve Fund shall be transferred to the Employees Saving Fund and to the State Membership Accumulation Fund, respectively, in proportion to the original sum transferred to the Membership Annuity Reserve Fund at retirement. Upon restoration to membership, any prior service certificate on the basis of which his service was computed at the time of his retirement shall be restored to full force and effect, and in addition, upon his subsequent retirement he shall be credited with all his membership service. No member eligible to retire for service at sixty (60) years of age shall be allowed to retire on a disability allowance. Should a disability beneficiary die or be removed from the disability list for any cause other than restoration to active service, an amount equal to the amount by which such beneficiary's accumulated contributions at the time of disability retirement exceed the membership service annuity payments received by such beneficiary under his disability allowance, if any such excess exists, shall be paid from the Membership Annuity Reserve Fund to such beneficiary if living; otherwise, such amount shall be paid as provided by the laws of descent and distribution of Texas unless the beneficiary has directed such amount to be paid otherwise.

(f) Return of Accumulated Contributions.

Should a member with less than twenty (20) years of creditable service cease to be an employee except

by death or retirement under the provisions of this Act, he shall be paid in full the amount of the accumulated contributions standing to the credit of his individual account in the Employees Saving Fund. Should a member die before retirement, the amount of his accumulated contributions standing to the credit of his individual account shall be paid as provided by the laws of descent and distribution of Texas unless he has directed the account to be paid otherwise. Seven (7) years after such cessation of service, if no previous demand has been made, any accumulated contributions of a contributor shall be returned to him or to his heirs. If the contributor or his heirs cannot then be found, his accumulated contributions shall be forfeited to the Retirement System and credited to the Permanent Retirement Fund.

(g) Optional Allowance for Service Retirement.

With the provision that no optional selection shall be effective in case a beneficiary dies within thirty (30) days after retirement, and that such a beneficiary shall be considered as an active member at the time of death, until the first payment on account of any service benefit becomes normally due, any member may elect to receive his membership annuity in an annuity payable throughout life, or he may elect to receive the actuarial equivalent at that time, of his membership annuity in a reduced membership annuity payable throughout life with the provision that:

Option (1) Upon his death, his reduced membership annuity shall be continued throughout the life of, and paid to, such person as he shall nominate by written designation duly acknowledged and filed with the Personnel Board at the time of his retirement; or Option (2) Upon his death, one-half of his reduced membership annuity shall be continued through the life of, and paid to, such person as he shall nominate by written designation duly acknowledged and filed with the Personnel Board at the time of his retirement; or Option (3) Some other benefit or benefits shall be paid either to the member, or to such person or persons as he shall nominate, provided such other benefit or benefits, together with the reduced membership annuity, shall be certified by the actuary to be of equivalent actuarial value to his membership annuity, and approved by the Personnel Board.

With the provision that no optional selection shall be effective in case a beneficiary dies within thirty (30) days after retirement and that such a beneficiary shall be considered as an active member at the time of death, until the first payment on account of any service benefit becomes normally due, any member may elect to receive his prior service annuity in an annuity payable throughout life or he may elect to receive the actuarial equivalent at that time, of his prior service annuity in a reduced prior service annuity payable as provided in Option (1), (2), or (3), above, provided that all payments under all prior service annuities are subject to adjustment by the Personnel Board as provided in Section 9, Subsection (b), Part 2, of this Act; provided further, that the same option must be selected by a member for payment of his prior service annuity as is selected by the member for the payment of his membership service annuity.

(h) Credit for Military Service.

During the period of time the United States is in a state of war and for a period of 12 months thereafter, time spent by a member of the Employees Retirement System (1) in the Armed Forces of the United States and their auxiliaries or in the Armed Forces Reserve and their auxiliaries or in the American Red Cross, or (2) in war work as a direct result of having been drafted or conscripted into said war work, shall count towards membership service. In addition, a member of the Employees Retirement System shall be permitted to contribute each year to the Retirement System a sum not to exceed the amount contributed by him to said Retirement System during the last year that he was employed as a member under the provisions of the Retirement Act. The funds so contributed shall be deposited to the credit of the member's individual account and shall be treated in the same manner as funds contributed by the member while he was employed by the State. Any employee of the State who entered military service prior to the establishment of the Retirement System, either by induction or enlistment, will be entitled to prior service credit for the time prior to establishment of the System and membership service for the time subsequent to the establishment of the System. Any employee so absent

shall have the right to contribute to said System either during his service with Armed Forces or upon return an amount equal to the contributions which would have been made by him based on his compensation earnable at commencement of his absence, provided such employee re-enters the service of the State within sixty (60) days after the termination of his military service and elects to become a member of the System within sixty (60) days after such re-employment. In computing the average prior service compensation for employees who served in the Armed Forces on leaves of absence from the State and subsequently became members of the System, that time spent in the Armed Forces shall be counted as part of the ten (10) years immediately preceding the enactment of the law and the basis for compensation shall be the same that was earned at commencement of his leave of absence from the State.

Section 10. Administration of System.

(a) The general administration and responsibility for the proper operation of the Retirement System and for making effective the provisions of the Act are hereby vested in the Personnel Board hereinabove established and appointed by the Employers Council.

1. Each member of the Personnel Board shall, within ten (10) days after his appointment, in addition to the constitutional oath, subscribe to the following oath of office: "I do solemnly swear that I will, to the best of my ability, discharge my duty as a Trustee of the Employees Retirement System and will diligently and honestly administer the affairs of the Personnel Board as Trustees of said Retirement System and that I will not knowingly violate or willingly permit to be violated any of the provisions of law applicable to said Retirement System". This oath shall be subscribed to by members making it before any officer qualified to administer oaths in Texas, and duly filed in the office of the Secretary of State.

2. Subject to the limitations of this Act, the Personnel Board shall, from time to time, establish rules and regulations for eligibility of membership and for the administration of the funds created by this Act and for the transaction of its business.

3. In addition to the duties imposed upon him elsewhere in this law the Director of Personnel shall serve as Executive Secretary to the Board and shall under orders and regulations of the Board supervise all administrative and technical activities pertaining to the Retirement System. He shall recommend and nominate to the Personnel Board such actuarial and other service as shall be required to transact the business of the Retirement System. The compensation of all persons so recommended and nominated by the Director and engaged by the Board, and all other expenses of the Board necessary for the operation of the Retirement System, shall be paid at such rates and in such amounts as the Board shall approve, provided that in no case shall they be greater than that paid for like or similar service for the State of Texas.

4. The Personnel Board shall keep in convenient form such data as shall be necessary for actuarial valuation of the various funds of the Retirement System and for checking the expenses of the System.

5. The Personnel Board shall keep a record of all of its proceedings which shall be open to public inspection. It shall publish annually a report showing the fiscal transactions of the Retirement System for the preceding year, the amount of the accumulated cash and securities of the System, and the last balance sheet showing the financial condition of the System by means of an actuarial valuation of the assets and liabilities of the Retirement System.

(b) Legal Adviser.

The Attorney General of the State of Texas shall be the legal adviser of the Personnel Board, and shall represent it in all litigations.

(c) Medical Board.

The Personnel Board shall designate a Medical Board to be composed of three (3) physicians not eligible to participate in the Retirement System. The physicians so appointed by the Board shall be legally qualified to practice medicine in Texas and shall be physicians of good standing in the medical profession. If required, other physicians may be employed to report on special cases. The Medical Board shall pass upon all medical examinations required under the provisions of this Act, and shall investigate all essential statements and certificates by or on behalf of a

member in connection with an application for disability retirement, and shall report in writing to the Personnel Board its conclusions and recommendation upon all the matters referred to it.

(d) Duties of Actuary.

1. The Personnel Board shall designate an Actuary who shall be thoroughly qualified to act as the technical adviser of the Board on matters regarding the operation of the funds created by the provisions of this Act, and shall perform such other duties as are required in connection therewith.

2. Immediately after the establishment of the Retirement System, the Actuary shall make such investigation of the mortality, service, and compensation experience of the members of the System as he shall recommend and the Personnel Board shall authorize, and on the basis of such investigation he shall recommend for adoption by the Board such tables and such rates as are required. The Personnel Board shall adopt tables and certify rates, and as soon as practicable thereafter, the Actuary shall make a valuation based on such tables and rates, of the assets and liabilities of the funds created by this Act.

3. At least once in each five-year period following the establishment of the System, the Actuary shall make, under the direction of the Board, an actuarial investigation into the mortality, service, and compensation experience of the members and beneficiaries of the Retirement System, and shall make a valuation of the assets and liabilities of the funds of the System, and taking into account the result of such investigation and valuation, the Board shall adopt for the Retirement System such mortality, service, and other tables as shall be deemed necessary.

4. On the basis of such tables as the Personnel Board shall adopt, the Actuary shall make an annual valuation of the assets and liabilities of the funds of the System created by this Act.

Section 11. Management of Funds.

(a) The Personnel Board shall be the trustees of the several funds as herein created by this Act, and shall have full power to invest and reinvest such funds subject to the following limitations and restrictions:

All retirement funds, as are received by the Treasury of the State of Texas from contributions of employees and employer as herein provided, may be invested only in bonds of the United States, the State of Texas, or counties, or cities, or school districts of this State, wherein said counties, or cities, or school districts have not defaulted in principal or interest on bonds within a period of ten (10) years, or in bonds issued by any agency of the United States Government, the payment of the principal and interest on which is guaranteed by the United States; and in interest-bearing notes or bonds of the University of Texas issued under and by virtue of Chapter 40, Acts of the Forty-third Legislature, Second Called Session; provided that a sufficient amount of said funds shall be kept on hand to meet the immediate payment of the amounts that may become due each year as provided in this Act. The Personnel Board shall have full power by proper resolution to hold, purchase, sell, assign, transfer, and dispose of any of the securities and investments in which any of the funds created herein shall have been invested, as well as the proceeds of said investments and any monies belonging to said funds, provided that any money on hand shall be subject to the State Depository Laws of Texas.

(b) The Personnel Board annually, on August 31, shall in accordance with the last Paragraph of Part 7, Subsection (a), Section 12 of this Act transfer from the Interest Fund to the Expense Fund an amount as shall be determined by the Board to be necessary for the payment of expenses of the Retirement System in excess of the amount available to be paid from the Expense Fund to cover the expenses as estimated for the succeeding year. The Personnel Board annually, on August 31, shall allow regular interest on the mean amount in the Membership Annuity Reserve Fund for the year then ending and shall allow regular interest on the mean amount in the Prior Service Annuity Reserve Fund for the year then ending and shall allow current interest as defined in Section 2, Subsection (n) of this Act on the amount in the State Membership Accumulation Fund at the beginning of such year and on the amount in the Permanent Retirement Fund at the beginning of such year and on an

amount in the Employees Saving Fund equal to the sum of the accumulated contributions standing to the credit at the beginning of such year of all members included in the membership of the System on August 31 of such year, before any transfers for Service Retirement effective August 31 of such year are made. The amounts so allowed shall be due and payable to said funds and shall be credited thereto by the Personnel Board on August 31 of each year from the monies of the Retirement System held in the Interest Fund, provided that current interest shall not be at a rate greater than three and one-half (3½) per cent per annum and that any excess earnings over such amount required shall be paid to the Interest Reserve Account of the Permanent Retirement Fund.

(c) The Treasurer of the State of Texas shall be the custodian of all bonds, securities, and funds. All payments from said funds shall be made by him on warrants drawn by the State Comptroller of Public Accounts supported only upon vouchers signed by the Director as Executive Secretary of the Retirement System and the Chairman of the Personnel Board. A duly attested copy of a resolution of the Personnel Board designating such persons shall be filed with said Comptroller as his authority from issuing such warrants.

(d) For the purpose of meeting disbursements for annuities and other payments there may be kept available cash, not exceeding ten (10) per centum of the total amount in the several funds of the Retirement System, on deposit with the State Treasurer.

(c) No trustee and no employee of the Personnel Board shall have any direct or indirect interest in the gains or profits of any investment made by the Personnel Board, nor as such receive any pay or emolument for his services other than his designated salary and authorized expenses, except such interest as such person or persons may have in the retirement funds as a member in the Retirement System.

Section 12. Method of Financing.

(a) The amount contributed by each member to the Retirement System shall be five (5) per centum of the regular annual compensation paid to each member. The amount contrib-

uted by the State of Texas to the Retirement System shall not exceed during any one (1) year five (5) per centum of salaries of all members, disregarding salaries in amounts in excess of Three Thousand Six Hundred Dollars (\$3,600), provided the total amount contributed by the State during any one (1) year shall at least equal the total amount contributed during the same year by all members of the Retirement System. All of the assets of the Retirement System shall be credited according to the purpose for which they are held to one (1) of seven (7) funds, namely, the Employees Saving Fund, the State Membership Accumulation Fund, the Membership Annuity Reserve Fund, the Prior Service Annuity Reserve Fund, the Interest Fund, the Permanent Retirement Fund, and the Expense Fund.

1. The Employees Saving Fund.

The Employees Saving Fund shall be a fund in which shall be accumulated regular five (5) per centum contributions from the compensation members, including current interest earnings. Contributions to and payments from the Employees Saving Fund shall be made as follows:

Beginning on the date of the establishment of the membership and full operation of the Retirement System herein created, which date should be two to three months subsequent to the enactment of the Retirement Law, each department of the State shall cause to be deducted from the salary of each member on each and every payroll of such department of the State for each and every payroll period, five (5) per centum of his earnable compensation, provided that the sum of the deductions made for a member shall not exceed One Hundred Eighty Dollars (\$180) during any one (1) year. In determining the amount earnable by a member in a payroll period, the Personnel Board may consider the rate of annual compensation payable to such member on the first day of the payroll period as continuing throughout such payroll period, and it may omit deductions from compensation for any period less than a full payroll period if an employee was not a member on the first day of the payroll period, and to facilitate the making of deductions, it may modify the deduction required of any member by such an amount as shall not exceed one-tenth (1/10) of

one (1) per centum of the annual compensation upon the basis of which such deduction is to be made.

The deductions provided for herein shall be made notwithstanding that the minimum compensation provided for by law for any member shall be reduced thereby. Every member shall be deemed to consent and agree to the deductions made and provided for herein and shall receipt for his full salary or compensation, and payment of salary or compensation, less said deduction, shall be a full and complete discharge and acquittance of all claims and demands whatsoever for the services rendered by such person during the period covered by such payment, except as to the benefits provided under this Act. Each department head of the State shall certify to the Personnel Board on each and every payroll, or in such other manner as said Board may prescribe, the amounts to be deducted; and each of said amounts shall be deducted, and when deducted shall be paid into said Employees Saving Fund, and shall be credited, to the individual account of the member from whose compensation said deduction was made.

Current Interest on member's contributions shall be credited annually as of August 31, and shall be allowed on the amount of the accumulated contributions standing to the credit of the member at the beginning of the year and shall not be allowed for parts of a year. Following the termination of membership in the Retirement System for those members who have been absent from service more than sixty (60) consecutive months in any period of six (6) consecutive years, the Employees Saving Fund account of such members shall be closed and warrants covering the total accumulated contributions sent to them upon the filing of formal application. Until the time of payment of such accumulated contributions, said employees shall receive no interest on the amount due him under this subsection, and the amount shall be held in a noninterest-bearing account to be set up for such purpose.

Upon the retirement of a member, his accumulated contributions shall be transferred from the Employees Saving Fund to the Membership Annuity Reserve Fund.

2. State Membership Accumulation Fund.

The State Membership Accumula-

tion Fund shall be the fund in which shall be accumulated all contributions made to the Employees Retirement System by the State of Texas for the purpose of providing upon the retirement of each member an amount equal to such member's accumulated contributions; and from which shall be transferred to the Membership Annuity Reserve Fund at the retirement of a member an amount equal to the accumulated contributions of the member. Contributions to and payments from this fund shall be made as follows:

The State of Texas shall pay each year in equal monthly installments into the State Membership Accumulation Fund an amount equal to a per centum of the contributions of the members during such year, which shall be calculated by the Actuary and certified to the Comptroller by the Personnel Board as being the necessary and required per centum to maintain a reserve in this Fund equal to present and prospective liabilities of the Fund. "Present and prospective liabilities" as used herein shall mean at any time an amount equal to that amount in the Employees Saving Fund at that time, which will eventually be transferred to the Membership Annuity Reserve Fund, according to calculations made by the Actuary and approved by the Personnel Board on the basis of the mortality and other tables adopted by the Personnel Board. The Personnel Board shall certify annually to the Comptroller of Public Accounts and to the State Treasurer the amount so ascertained, and such an amount shall be paid each year in equal monthly installments in the manner hereinafter provided into the State Membership Accumulation Fund by the Comptroller from the funds appropriated as contributions to the Employees Retirement System by the State of Texas.

Upon the retirement of a member, an amount equal to his accumulated contributions in the Employees Saving Fund shall be transferred from the State Membership Accumulation Fund into the Membership Annuity Reserve Fund as a reserve for his Membership Annuity.

3. Membership Annuity Reserve Fund.

The Membership Annuity Reserve Fund shall be the fund in which shall be held all reserves for membership annuities granted and in force and

from which shall be paid all membership annuities and all benefits in lieu of membership annuities, payable as provided in this Act. This Fund shall be made up of the transfers as follows:

At the time of service or disability retirement of the accumulated contributions of a retiring employee shall be transferred from the Employees Saving Fund to the Membership Annuity Reserve Fund as reserves for the membership annuity purchased by his contributions.

An amount equal to the accumulated contributions of each retiring employee shall be transferred, upon service or disability retirement, from the State Membership Accumulation Fund as reserves for an additional membership annuity equal to the membership annuity purchased by the employee.

Transfers and payments from the Membership Annuity Reserve Fund shall be made as provided in Section 9, Subsection (e), Part 2, of this Act, upon the death, restoration to active service or removal from the disability list of a beneficiary retired on account of disability.

4. Prior Service Annuity Reserve Fund.

The Prior Service Annuity Reserve Fund shall be the fund in which shall be accumulated all contributions made to the Retirement System by the State of Texas for the purpose of providing the amounts required for payment of prior service annuities; and from which prior service annuities shall be paid to beneficiaries as herein provided. Contributions to and payments from this fund shall be made as follows:

All monies appropriated by the State of Texas contributions to the Employees Retirement System each year and which will not be paid into the State Membership Accumulation Fund as elsewhere herein provided shall be paid into the Prior Service Annuity Reserve Fund in the manner hereinafter provided.

All prior service annuity payments to beneficiaries, as provided in this Act, shall be paid from this fund.

The Personnel Board shall have the power to reduce proportionally the amount of all Prior Service Annuities at any time and for such period of time as is necessary so that the payments to beneficiaries for Prior Service Annuities in any biennium shall

not exceed the available assets for payment of Prior Service Annuities in such biennium.

5. Interest Fund.

The Interest Fund is hereby created to facilitate the crediting of interest to the various other funds. All income, interest, and dividends derived from the deposits and investments authorized by this Act shall be paid into the Interest Fund. Once each year on August 31, interest shall be allowed and transferred to the other funds, respectively. The Personnel Board shall annually transfer to the credit of the interest reserve account of the Permanent Retirement Fund all excess earnings after all interest-bearing funds have been duly credited with interest for the year in the manner provided in this Act.

6. Permanent Retirement Fund.

The Permanent Retirement Fund shall be a fund in which shall be accumulated all gifts, awards, funds, and assets accruing to the Retirement System not specifically required by other funds created by this Act, and to provide a contingent fund out of which special requirements of other funds may be covered. The principal of this fund is hereby held and dedicated as perpetual endowment of the Retirement System and shall not be diverted or appropriated to any other cause or purpose. All current interest credited to this fund and excess interest earnings transferred to this fund shall be held as an interest reserve account from which the Personnel Board shall transfer annually to the Expense Fund such amounts as is required to provide for the administration and maintenance of the Retirement System, provided the funds are available.

7. Expense Fund.

The Expense Fund shall be the fund from which the expenses of administration and maintenance of the Retirement System shall be paid. Transfers to and payments from this fund shall be made as follows:

The Executive Secretary shall prepare annually an itemized budget showing the amount required to defray the expenses for the ensuing fiscal year and shall submit the report to the Personnel Board for its review and adoption.

Each member shall pay with the first payment to the Employees Saving Fund each year and each year thereafter he is a member of the

System, and in addition thereto, a sum of Two Dollars (\$2), which amount shall be credited to the Expense Fund, said payments for the Expense Fund shall be made to the Personnel Board in the same way as payments to the Employees Saving Fund shall be made, as provided for in this Act; provided, however, that if said payment for the Expense Fund of any member is not made with said first payment of said member, the Personnel Board may deduct the amount of the payment for the Expense Fund from said first payment of said member.

If the amount estimated to be required to meet the expenses of the Personnel Board in the administration of the Retirement System is in excess of Two Dollars (\$2) per member contributor for the year and if there is an insufficient amount in the interest reserve account of the Permanent Retirement Fund to pay such excess, the Personnel Board as evidenced by a resolution by that Board recorded in its minutes shall transfer to the Expense Fund from the Interest Fund an amount necessary to cover such expenses as estimated for the year.

(b) Collection of Contributions.

The collection of members' contributions shall be as follows:

1. Each department of the State shall cause to be deducted on each and every payroll of a member for each and every payroll period beginning on the date of the establishment of the membership and full operation of the Retirement System the contributions payable by such member, as provided in this Act. Each department head of the State shall certify to the treasurer of said department on each and every payroll a statement as vouchers for the amount so deducted.

2. The Treasurer or proper disbursing officer of each state department on authority from the department head shall make deductions from salaries of employees as provided in this Act, and shall transmit monthly, or at such time as the Personnel Board shall designate, a certified copy of the payroll and the amount specified to be deducted shall be paid to the Employees Saving Fund of the Employees Retirement System, after which the Director as Executive Secretary of the Board shall make a record of all receipts and turn payments over to the Treasurer of the State of Texas and by him be credited to the Em-

ployees Saving Fund, and such funds shall be deemed as appropriate for use according to the provisions of this Act.

3. The State Treasurer shall furnish annually to the Personnel Board a sworn statement of the amount of the funds in his custody belonging to the Retirement System. The records of the Personnel Board shall be open to public inspection and any member of the Retirement System shall be furnished with a statement of the amount to the credit of his individual account upon written request by such member, provided that the Personnel Board shall not be required to answer more than one such request of a member in any one year.

4. After this Act becomes effective the Personnel Board shall, on or before the first day of November next preceding each regular session of the Legislature, certify to the State Board of Control or other budgeting authorities for review and adoption the amount necessary to pay the contributions of the State of Texas to the Employees Retirement System for the ensuing biennium. This amount shall be included in the budget of the State which the Governor submits to the Legislature. The Personnel Board shall certify on or before August 31 of each year to the State Comptroller of Public Accounts and to the State Treasurer the estimated amount of contributions to be received from members during the ensuing year.

5. For the purpose of computing the total amount of the compensation of members under the provisions of the State Membership Accumulation Fund, Section 12 of this Act, the compensation of every member who received in excess of Three Hundred Dollars (\$300) a month shall be computed as Three Hundred Dollars (\$300) per month.

Section 13. State Contributions.

State contributions for each member of the Employees Retirement System shall be paid out of the same funds from which said members of the System receive their respective salaries as employees and appointive officers of the State and to this end the following allocations are hereby authorized: Beginning with the fiscal year starting on September 1, 1947, and annually thereafter there shall be set aside and allocated out of any monies in the General Revenue Fund and the Special Funds in the State Treasury from which the salaries are

paid to employees and appointed officers of the State, a sum or sums equal to the total deductions made from the annual salaries paid from each said fund to employees and appointive officers as their respective contributions to the Employees Retirement System. Said amounts so allocated shall be paid to the Employees Retirement System in equal monthly installments beginning in September, 1947, and monthly thereafter, based upon the annual estimate by the Personnel Board of the amounts necessary from each such fund to equal the contributions to be received from the members of said System during said year. If sufficient monies are not lawfully available in any Special Fund hereinabove specified to match the contributions made by members of the System drawing salaries therefrom, then said State contributions shall be made from any monies in the General Revenue Fund of the State Treasury and said funds, or so much thereof as may be necessary, shall be allocated as hereinabove provided for such purposes; provided further, in the event the Personnel Board's estimates of the amounts necessary to be paid from any such fund to equal the respective contributions of the members of the System shall vary from the actual amount of the said members' contributions during the year, then such adjustments shall be made at the close of each fiscal year annually as may be required. Each of the monthly installments from said funds shall be paid into the State Membership Accumulation Fund and the Prior Service Annuity Reserve Fund in the proportionate amounts certified by the Personnel Board. The above described funds in the amounts specified shall be and are hereby appropriated out of the General Revenue Fund and said special Funds in the State Treasury, not otherwise appropriated, for each of the fiscal years ending August 31, 1948, and August 31, 1949.

Section 14. Exemption from Execution.

The right of a person to an annuity or a retirement allowance, to the return of contributions, annuity, or retirement allowance itself, any optional benefit or any other right accrued or accruing to any person under the provisions of this Act, and the monies in the various funds created by this Act, are hereby exempt from any

State or municipal tax, and exempt from levy and sale, garnishment, attachment, or any other process whatsoever, and shall be unassigned except as in this Act specifically provided.

Section 15. Surety Bond.

The Treasurer of the State of Texas shall, upon becoming custodian of the Employees Retirement Fund, give a bond in the sum of Fifty Thousand Dollars (\$50,000); the Director of Personnel who shall serve as Executive Secretary to the Board shall give bond in the sum of Twenty-five Thousand Dollars (\$25,000), and the Personnel Board shall require any other employees and members of the Personnel Board to give bond in such amounts as the Board may deem necessary, conditioned that said bonded persons will faithfully execute the duties of the respective offices. All bonds shall be made with a good and solvent surety company, authorized to do business in the State of Texas, said bonds shall be made payable to the Personnel Board and shall be approved by it and the Attorney General of Texas. All expense necessary and incident to the execution of such bonds, including premiums thereon, shall be paid by the Personnel Board from the Expense Fund.

Section 16. Protection Against Conversion of Funds and Fraud.

Any person who shall confiscate, misappropriate, or convert monies representing deductions from employees' salaries before such monies are received by the Retirement System or after such monies are received by the Retirement System, or any person who shall knowingly make any false statement, or shall falsify or permit to be falsified, any record or records of this Retirement System in any attempt to defraud such System as a result of such act shall be guilty of a felony and upon conviction shall be punished by confinement in the State Penitentiary for any term of years not less than one (1) year or more than five (5) years.

Should any change or error in the records result in any member or beneficiary receiving from the Retirement System more or less than he would have been entitled to receive had the records been correct, the Personnel Board shall correct such error, and so far as practicable shall adjust the payment in such manner that the actuarial equivalent of the benefit to

which such member or beneficiary was correctly entitled shall be paid.

Section 17. Limitation on Membership.

No other provision of law in any other statute which provides wholly or partly at the expense of the State for pensions or retirement benefits for employees of the said State, their widows or other dependent, shall apply to members or beneficiaries of the Retirement System established by this Act.

Section 18. Additional Duties of the Board.

In addition to the duties set forth elsewhere in this law, the Board shall:

1. Represent the public interest in the improvement of personnel administration in the State service.
2. Advise and instruct the Director on problems concerning personnel administration and the Retirement System.
3. Foster the interest of institutions of learning and of civic, professional and employee organizations in the improvement of personnel standards in the state service.
4. Make any investigation which it may consider desirable concerning the administration of personnel in the state service, and make recommendations to the Director with respect thereto.
5. Make an annual report, and special reports and recommendations to the Council upon its request.

Section 19. Additional Duties of the Director.

(a) The Director, as executive supervisor of the Personnel Department, shall direct and supervise all its administrative and technical activities. In addition to the duties imposed upon him elsewhere in this law, it shall be his duty:

1. To apply and carry out this law and the rules adopted thereunder.
2. To attend all meetings of the Board and to act as its Executive Secretary, and keep minutes of its proceedings.
3. To establish and maintain a roster of all employees in classified State Service, in which there shall be set forth, as to each employee, the class title of the position held; the

salary or pay; any change in class title, pay or status; and other pertinent data.

4. To appoint under the provisions of this law, such employees of the Personnel Department and such experts and special assistants as the Board deems necessary to carry out effectively the provisions of this law.

5. To foster and develop, in cooperation with appointing authorities and others, programs for the improvement of employee effectiveness, including training, safety, health, counselling and welfare.

6. To encourage and exercise leadership in the development of effective personnel administration within the several departments in the State service, and to make available the facilities of the Personnel Department to this end. Departmental personnel administrations in effect at the time this Act becomes effective shall not be disturbed nor shall the procedure theretofore adopted for the examinations, acceptance and maintenance of departmental employee personnel be altered or changed unless the rules of such personnel administrations and the procedure employed by them shall materially contravene the provisions of this Act or the rules adopted by the Board.

7. To investigate from time to time the operation and effect of this law and of the rules made thereunder and to report his findings and recommendations to the Board.

8. To make an annual report regarding the work of the Personnel Department, and such special reports as the Board may consider desirable, to the Council.

9. To perform any other lawful acts which he may consider necessary or desirable or which the Board may order to carry out the purposes and provisions of this law.

(b) The Board may designate an employee of the Personnel Department to act as Deputy Director. In case of the absence of the Director or his inability from any cause to discharge the powers and duties of his office, such powers and duties shall devolve upon the Deputy Director.

(c) The Director may designate appropriate persons, including officers and employees in the State service, to assist in the preparation and rating of tests. An appointing authority shall excuse any employee in his division from his regular duties for the time

required for his work as an examiner. Such officers and employees shall not be entitled to extra pay for their services as examiners but shall be entitled to reimbursement for necessary traveling and other expenses.

Section 20. Classified Service and Exemptions.

(a) The classified service to which this law shall apply shall comprise all positions in the State service now existing or hereafter established, except the following specific exemptions:

1. The State Legislature and its employees, all officers elected by popular vote, and persons appointed to fill vacancies in elective offices.

2. Members of boards and commissions and heads of departments appointed by the Governor.

3. One principal assistant or deputy and one private secretary for each board or commission or head of a department appointed by the Governor, or elected, and one private secretary to each head of a State department appointed by a board or commission serving under appointments by a Governor.

4. Not more than five assistants in the office of the Governor.

5. Attorneys at law employed as Assistants to the Attorney General.

6. Judges, referees, receivers, jurors and notaries public.

7. One secretary or clerk of each judge of a court of record.

8. Officers and members of the teaching staffs of state universities and other institutions of learning supported in whole or in part by State funds and student employees of such institutions.

9. Patient or inmate help in state charitable, penal and correctional institutions.

10. Persons employed in a professional or scientific capacity to make or conduct a temporary and special inquiry, investigation or examination on behalf of the Legislature or a committee thereof, or by authority of the Governor.

11. Officers and members of the State Militia.

12. Employees of the Public Welfare Department, the Unemployment Compensation Commission, and the United States Employment Service and other departments or agencies conducted under classified merit system or civil service programs established and maintained to comply with Federal laws or regulations.

(b) The classified service provided herein shall comprise all other positions now existing or hereafter created in the State service. The exemptions from the classified service of employees personnel specified hereinabove shall not be construed as exempting or denying any rights, privileges and benefits of the Retirement System to any person or persons who are eligible under the terms of Section 7 of this Act to become members of the Retirement System and to participate in the System and all rights, privileges and benefits accruing thereunder.

(c) Any principal assistant or deputy and any private secretary serving in such capacities with any board, commission or head of a department when this Act become effective shall automatically be given classified rating commensurate with the class of the position in which they are employed and if any such person is thereafter removed by a subsequently elected or appointed officer under the authority provided herein such person shall be given preference rating equal to the person standing highest on any appropriate eligible list to fill a vacancy in such class of position and shall be included among the highest three of such eligible lists to fill vacancies until employed in State service. Nothing herein shall prevent such persons from electing to accept employment in a class of lower standing in which case said employee shall be given the same preference rating in such class of lower standing.

Section 21. Rules.

The Director of Personnel shall prescribe a code of rules for the classified service, which, upon approval of the Board after public notice and public hearing, shall have the force and effect of law. Amendments thereto may be made in the same manner upon recommendation of the Director of Personnel. The rules shall provide:

1. For the preparation, maintenance and revision of a position classification plan for all positions in the classified service, based upon similarity of duties performed and responsibilities assumed, so that the same qualifications may reasonably be required for and the same schedule of pay may be equitably applied to all positions in the same class. After such classification has been approved

by the Board, the Director shall allocate the position of every employee in the classified service to one of the positions in the plan. Any employee affected by the allocation of a position to a class shall, after filing with the Director of Personnel a written request for reconsideration thereof, be given a reasonable opportunity to be heard thereon by the Board.

2. For open competitive examination to test the relative fitness of applicants for the respective positions. Such examinations need not be held until after the rules have been adopted and the service classified and established, but must be held not later than one year after this Act takes effect. Such examinations shall be announced publicly at least fifteen days in advance and may be advertised through the press, radio and other media.

3. For the granting of appropriate preference in entrance examinations to qualified persons who have been members of the armed forces of the United States in time of war, and who seek to enter the state service following honorable discharge from military service. Such preference shall be in the form of points added to the final grades of such persons, provided that they otherwise qualify and are entitled to appear on the list of those eligible for appointment. The preference shall be not less than five points for non-disabled persons, and as much as ten points for persons currently receiving compensation from the U. S. Veterans Administration for war-service-incurred disabilities. The rank order of such persons on the eligible list shall then be determined on the basis of their augmented rating.

4. For extending the facilities and furnishing the services of the Personnel Department to appointing authorities to aid them in determining the relative fitness of applicants for promotion. Vacancies may be filled, however, when considered practicable by an appointing authority, by promotion of applicants who shall have served for a period of not less than one year in a position within the department or agency of the State in which the vacancy occurs, without examination, in which case the appointing authority shall have full authority to determine the applicant's qualifications, record of previous performance and seniority and shall give

appropriate consideration to such factors. Except as hereinabove specified, promotions shall be made on a competitive basis except where the Board finds that competition is impracticable. An advancement in rank or grade or an increase in salary beyond the maximum fixed for the class shall constitute a promotion. "Appointing authority" means an officer or agency having power to make appointments to positions in State service.

5. For the establishment of eligible lists for appointment, and for promotions within the limitations and subject to the conditions hereinabove provided, upon which lists shall be placed the names of successful candidates in the order of their relative excellence in the respective examinations. Such lists shall remain in force not longer than two years.

6. For the rejection of candidates or eligibles who fail to comply with reasonable requirements of the rules adopted in regard to such factors as age, physical condition, training and experience, or who have been guilty of crime or of infamous or disgraceful conduct, or who have attempted any deception or fraud in connection with an examination.

7. For the appointment of the person standing among the highest three on the appropriate eligible list to fill a vacancy. If the three first ranking applicants are objectionable to an appointing authority, the Board may in its discretion authorize selection from the next three highest ranking applicants.

8. For temporary employment without examination in cases of emergency and pending appointment from an eligible list. Temporary appointments to full time positions shall not continue longer than ninety days, nor shall successive temporary appointments to full time positions be allowed, except during the first year after the effective date of this law in order to avoid stoppage of orderly conduct of the business of the State.

9. For the employment of unskilled laborers and persons engaged to perform special or part time duties, without examination or after such qualifying tests as appointing authorities may approve.

10. For reinstatement within one year of persons who resign in good standing or who are laid off from

their positions without fault or delinquency on their part.

11. For keeping records of performance of all employees in the classified service, which service records shall be considered in determining salary increases and decreases provided in any pay plan authorized by the Legislature, as a factor in certain promotion tests; as a factor in determining the order of lay-offs because of lack of funds or work and for reinstatement; and as a factor in demotions, discharges and transfers.

12. For lay-offs by reason of lack of funds or work, or abolition of a position, or material change in duties or organization, and for reemployment of employees laid off, or who resigned or were granted leaves of absence.

13. For discharge or reduction in rank or grade after appointment or promotion is completed only after the person to be discharged or reduced has been presented with the reasons for such discharge or reduction, specifically stated, and has been allowed a reasonable time to reply thereto in writing. The reasons and the reply shall be filed as a public record with the director.

14. For hours of work, holidays, attendance regulations, and leaves of absence in the various classes of positions in the classified service; for annual, sick, and special leaves of absence, with or without pay, or reduced pay, within the limitations prescribed by any Appropriation Bill.

15. For the development and operation of programs to improve the work effectiveness and morale of employees in the state service, including training, safety, health, welfare, counseling, recreation, and employee relations, including grievances and hearings thereon.

16. For assisting appointing authorities and the budgeting officers of the Board of Control in establishing and developing a uniform pay plan for employees in each class of service in State Government in order to eliminate discrimination in the pay of employees performing like or similar duties of equal responsibility and so that each employee shall, when the budget is approved by the Governor, be paid at one of the rates set forth in the pay plan for the class of position in which he is employed regardless of the department or agency in which employed.

17. For such other rules and administrative regulations not inconsistent with this law, as may be proper and necessary for the enforcement of this law and the administration of the Retirement System.

Section 22. Duty to Furnish Facilities.

All officers and employees of the State and of municipalities and political subdivisions of the State shall allow the Department the reasonable use of public buildings under their control, and furnish heat, light and furniture, for any examination, hearing or investigation authorized by this law. The Department shall pay to a municipality or political subdivision the reasonable cost of any such facilities furnished by it from any available appropriation.

Section 23. Duties of State Officers and Employees.

All officers and employees of the State shall comply with and aid in all proper ways in carrying out the provisions of this law and the rules, regulations and orders thereunder. All officers and employees shall furnish any records or information which the Director or the Board may request for any purpose of this law.

Section 24. Status of Present Employees.

Employees holding positions in the classified service herein for one year or more immediately prior to the adoption of this law shall be continued in their respective positions without further examinations, until separated from their positions as provided by law. Those holding their positions less than one year immediately prior to the adoption of this law shall also be continued in their respective positions provided within one year after this law takes effect they pass a qualifying test prescribed by the Director. Those who shall have failed to qualify as provided herein, shall be dismissed from their positions within thirty days after establishment of an eligible list for their respective positions.

Section 25. Certification for Payrolls.

(a) The Director of Personnel shall certify in writing to the Comptroller of Public Accounts and other disburs-

ing officers of the State the names of any persons appointed, employed or holding position in State service in contravention of any provision of this law or of any rule, regulation or order thereunder, and such officers shall not issue or approve the issuance of warrant in payment of salary, or for other personal service, to such persons.

(b) Any person appointed or employed in contravention of any provision of this law or of any rule, regulation or order thereunder who performs service for which he is not paid, may maintain an action against the officer or officers who purported so to appoint or employ him to recover the agreed pay for such services, or the reasonable value thereof if no pay was agreed upon. No officer shall be reimbursed by the State at any time for any sum paid to such person on account of such services.

(c) If the Director wrongfully certifies to the Comptroller or other disbursing officers that any employee has been employed or is holding a position in State service in contravention of any provision of this law, or any rule, regulation or order thereunder, said employee may maintain a proceeding to compel the Comptroller or other disbursing officers to issue warrant in payment of any sum due him for personal service rendered.

Section 26. Appeals by Employees to the Board.

Any employee who is dismissed or demoted or who is suspended for more than thirty days in any one year, may, within thirty days after such dismissal, demotion or suspension, appeal to the Board for review thereof. Upon such review, both the appealing employee and the appointing authority whose action is reviewed shall have the right to be heard publicly and to present evidentiary facts. At the hearing of such appeals, technical rules of evidence shall not apply. If the Board finds that the action complained of was taken by the appointing authority for any political, religious or racial reason, the employee shall be reinstated to his former position or a position of like status and pay, without loss of pay for the period of his suspension. In all other cases, the findings and recommendations of the Board shall be submitted to and considered by the appointing authority, who may, not later than

thirty days after receipt of such findings and recommendations, reinstate the employee with or without pay for the period of suspension, or otherwise modify his original decision of suspension, demotion or discharge. When any employee is dismissed and not reinstated after such appeal, the Board in its discretion may direct that his name be placed on or at the head of an appropriate reemployment list, which direction shall be enforced by the Director. Any action or decision taken or made hereunder shall be final and not subject to judicial review.

Section 27. Records of the Department.

The records of the Department, except such records as the rules may properly require to be held confidential for reasons of public policy, shall be public records and shall be open to public inspection, subject to reasonable regulations as to the time and manner of inspection which may be prescribed by the Director.

Section 28. Services to Political Subdivisions.

(a) Subject to the approval of the Board the Director may enter into agreements with any municipality or other political subdivision of the State to furnish services and facilities of the Personnel Department to such municipality or political subdivision in the administration of its personnel on the principles of classification of positions and tenure of service commensurate with the provisions of this Act. Any such agreement shall provide for the reimbursement to the State of the reasonable cost of the services and facilities furnished, as determined by the Director. All municipalities and political subdivisions of the State are hereby authorized to enter into such agreements.

(b) The Director may cooperate with governmental agencies for other jurisdictions charged with personnel administration in conducting joint tests and establishing joint lists from which eligibles shall be certified for appointment in accordance with the provisions of this law.

Section 29. Oaths, Testimony and the Production of Records.

The Board, each member of the Board and the Director shall have

power to administer oaths, subpoena witnesses and compel the production of books and papers pertinent to any investigation or hearing authorized by this law. Any person who shall fail to appear in response to a subpoena or to answer any question or produce any books or papers pertinent to any such investigation or hearing or who shall knowingly give false testimony therein shall be guilty of a misdemeanor and punished as hereinafter provided.

Section 30. Refusal to Testify.

If any employee in the state service shall wilfully refuse or fail to appear before any court or judge, any legislative committee, or any officer, board or body authorized to conduct any hearing or inquiry, or having appeared shall refuse to testify or answer any questions relating to the affairs of government of the State or the conduct of any State officer employee on the ground that his testimony or answers would tend to incriminate him, or shall refuse to waive immunity from prosecution on account of any matter about which he may be asked to testify at any such hearing or inquiry, he shall forfeit his office or position and shall not be eligible thereafter for appointment to any position in the State service for a period of one year.

Section 31. Political Activities Prohibited.

(a) No person shall be appointed or promoted to, or demoted or dismissed from, any position in the classified service, or in any way favored or discriminated against with respect to employment in the classified service because of his political or religious opinions or affiliations.

(b) No person shall seek or attempt to use any political endorsement in connection with any appointment to a position in the classified service.

(c) No person shall use or promise to use, directly or indirectly, any official authority or influence, whether possessed or anticipated, to secure or attempt to secure for any person an appointment or advantage in appointment to a position in the classified service, or an increase in pay or other advantage in employment in any such position, for the purpose of influencing the vote or political action of any person, or for any consideration.

(d) No member of the Board shall, directly or indirectly, pay or promise to pay any assessment, subscription, or contribution for any political organization or purpose, or solicit or take part in soliciting any such assessment, subscription, or contribution of any employee in the classified service.

(c) No employee in the classified service shall be a member of any national, state or local committee of a political party, or an officer or member of a committee of a partisan political club, or a candidate for nomination or election to any public office, or shall take any part in the management or affairs of any political party, except to exercise his right as a citizen privately to express his opinion and to cast his vote.

(f) Any officer or employee in the State service who violates any of the foregoing provisions of this section shall forfeit his office or position, and for one year shall be ineligible for any office or position in the state service.

Section 32. Unlawful Acts Prohibited.

(a) No person shall make any false statement, certificate, mark, rating or report with regard to any test, certification or appointment made under any provisions of this law or in any manner commit or attempt to commit any fraud preventing the impartial execution of this law and the rules.

(b) No person shall, directly or indirectly, give, render, pay, offer, solicit or accept any money, service or other valuable consideration for or on account of any appointment, proposed appointment, promotion or proposed promotion to, or any advantage in, a position in the classified service.

(c) No employee of the Personnel Department, examiner, or other person shall defeat, deceive or obstruct any person in his right to examination, eligibility, certification or appointment under this law, or furnish to any person any special or secret information for the purpose of affecting the rights or prospects of any person with respect to employment in the classified service.

Section 33. Penalties.

Any person who wilfully violates any provision of this law or of the rules shall be guilty of a misdemeanor,

and upon conviction, shall be punished by a fine of not less than One Hundred Dollars (\$100) nor more than One Thousand Dollars (\$1000), or by confinement in jail for not less than one (1) month nor more than six (6) months, or by both such fine and jail sentence. Provided however, that the penalties prescribed in this Section shall not apply to the offenses for which a felony penalty is prescribed in Section 16 of this Act, and the said Section 16 shall apply and control over all offenses and penalties named therein.

Section 34. Appropriation.

The sum of Fifty Thousand Dollars (\$50,000) or so much thereof as may be necessary, is hereby appropriated from any funds not otherwise appropriated in the General Fund of this State, said fund to be credited to the Expense Fund established by this Act to supplement the funds required to be paid therein by members of the Retirement System and to be used by the Personnel Board in organizing the Retirement System and the Personnel Department including the payment of the salary of the Director of Personnel and other salaries and necessary operating expenses of the Personnel Department.

Section 35. If any part, section, subsection, paragraph, sentence, clause, phrase or word contained in this Act, or the application thereof to any person or circumstances, shall be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision or holding shall not affect the validity of the remaining portions or provisions of this Act, and the Legislature hereby declares it would have passed such remaining provisions without the invalid provisions, and to this end the provisions of this Act are declared to be severable. It is further provided that all laws or parts of laws that are inconsistent with the provisions of this Act, or that conflict herewith are, insofar as such inconsistency or conflict exists, hereby repealed and this Act shall prevail over any conflicting provision of law.

Section 36.

The fact that the Constitution of Texas has been amended by popular vote of the Texas Electorate to authorize the Legislature to provide funds for a Retirement System for

aged and incapacitated State employees and the fact that said State employees are not now eligible to participate in any existing Retirement or Disability benefits provided by the State or Federal Governments, creates an emergency and an imperative public necessity that the Constitutional Rules requiring bills to be read on three (3) several days in each House, and providing that bills shall not become effective until the expiration of ninety (90) days after the adjournment of the Legislature, be suspended, and said Rules are hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Senator Strauss raised a point of order against consideration of the amendment on the ground that it is not germane to the bill.

The President pro tempore overruled the point of order.

Question recurring on the amendment, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—18

Aikin	Morris
Brown	Parrish
Chadick	Phillips
Harris	Proffer
Hazlewood	Ramsey
Jones	Stanford
Kelley of Hidalgo	Tynan
Knight	Winfield
Lane	York

Nays—10

Bullock	Stewart
Carney	Strauss
Hardeman	Taylor
Kelly of Tarrant	Vick
Moffett	Weinert

Absent

Cousins	Crawford
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Absent—Excused

Mauritz

Senator Parrish offered the following amendment to the bill:

Amend House Bill No. 168 by striking out all above the enacting clause and inserting in lieu thereof the following:

"A BILL**"To Be Entitled**

"An Act to carry into effect Section 62 (a) of Article 16 of the Constitution as recently adopted by amendment; declaring the purpose of the Act and defining terms used therein; creating a personnel department composed of State officers and employees and establishing a Retirement System for aged and incapacitated employees of the State; providing for the appointment of a Board and a Director to administer the affairs of the Retirement System and personnel department; prescribing the conditions requisite to membership in the retirement system and the conditions for retirement in accordance with actuarially-made mortality, service and other tables authorized herein; describing the benefits of disability retirement and authorizing the return of contributions to persons withdrawing from the system; establishing optional benefits and authorizing credit for military service; making the Attorney General the legal adviser of the Board and providing for the designation of a Medical Board and an actuary; providing for the creation, management and distribution of the employees saving fund, the membership accumulation fund, the membership annuity reserve fund, the interest fund, the permanent retirement fund, the prior service annuity reserve fund and the expense fund; providing for membership fees to help finance the retirement system; providing for contributions to the system from employee-members; providing for contributions from the General Revenue Fund and Special Funds from which State salaries are paid to match contributions made by members of the Employees Retirement System; exempting retirement benefits from levy, sale, garnishment, attachment or other process; prescribing a penalty for fraudulent conversion of any funds of the system or misapplication of said funds, and making members of the system ineligible for other State retirement benefits; prescribing further duties of the Personnel Board and Director of Personnel; describing classified service and exemptions, and providing for a code of rules with restrictions, limitations and requirements for the classified service; fixing the status and rights of employees when this Act becomes effective, and prohibiting certain political activities; pro-

hibiting unlawful acts and prescribing misdemeanor penalties; providing for an appropriation to organize the retirement system and to maintain the personnel department; containing saving and repealing clauses and declaring an emergency."

The amendment was adopted.

Senator Strauss offered the following amendment to the bill:

Amend House Bill No. 168 by striking out all of Section 24 of the bill.

The amendment was adopted.

Senator Strauss offered the following amendment to the bill:

Amend House Bill No. 168 by striking out all of lines 4, 5, 6, 7 and 8 of Sec. 21 of the bill.

Senator Parrish moved to table the amendment.

The motion to table was lost.

Question recurring on the amendment, it was adopted.

Senator Strauss offered the following amendment to the bill:

Amend House Bill No. 168 by striking out all of subsection (c) of Section 20 of the bill.

Senator Parrish moved to table the amendment.

The motion to table prevailed by the following vote:

Yeas—15

Bullock	Parrish
Hardeman	Phillips
Hazlewood	Proffer
Jones	Stanford
Kelley of Hidalgo	Vick
Knight	Winfield
Lane	York
Morris	

Nays—14

Aikin	Moffett
Brown	Ramsey
Carney	Stewart
Chadick	Strauss
Crawford	Taylor
Harris	Tynan
Kelly of Tarrant	Weinert

Absent

Cousins

Absent—Excused**Mauritz**

Question—Shall the bill be passed to third reading?

Conference Committee on House Bill 295

Senator Taylor called from the President's table for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on H. B. No. 295 and moved that the request be granted.

The motion to grant the request prevailed.

Accordingly, the President announced the appointment of the following conferees on the bill on the part of the Senate: Senators Taylor, Aikin, Morris, Hardeman and Proffer.

Conference Committee on House Bill 480

Senator Kelley of Hidalgo called from the President's table for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on H. B. No. 480 and moved that the request be granted.

The motion to grant the request prevailed.

Accordingly, the President announced the appointment of the following conferees on the bill on the part of the Senate: Senators Kelley of Hidalgo, Parrish, Stanford, Crawford and Jones.

Adjournment

On motion of Senator Carney, the Senate, at 4:20 o'clock p. m., adjourned until 10:30 o'clock a. m. tomorrow.

SIXTY-SEVENTH DAY

(Tuesday, May 13, 1947)

The Senate met at 10:30 o'clock a. m., pursuant to adjournment, and was called to order by the President pro tempore.

The roll was called and the following Senators were present:

Aikin	Chadick
Bullock	Crawford
Carney	Hazlewood

Jones	Stanford
Kelley of Hidalgo	Stewart
Kelly of Tarrant	Strauss
Knight	Taylor
Lane	Vick
Morris	Weinert
Phillips	Winfield
Proffer	York
Ramsey	

A quorum was announced present.

Reverend J. E. Chester, Chaplain, offered the invocation.

On motion of Senator York, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal approved.

Leaves of Absence Granted

Senators Harris, Moffet, Hardeman and Cousins were granted leaves of absence for today on account of important business on motion of Senator Lane.

Senator Tynan was granted leave of absence for today on account of illness in the family on motion of Senator Winfield.

Reports of Standing Committees

Senator Jones submitted the following reports:

Austin, Texas,
May 13, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, have had under consideration House Bill No. 92, and beg to report it back to the Senate with the recommendation that it do pass and be mimeographed and not otherwise printed.

JONES, Chairman.

Austin, Texas,
May 13, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred House Bill No. 796, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be mimeographed.

JONES, Chairman.